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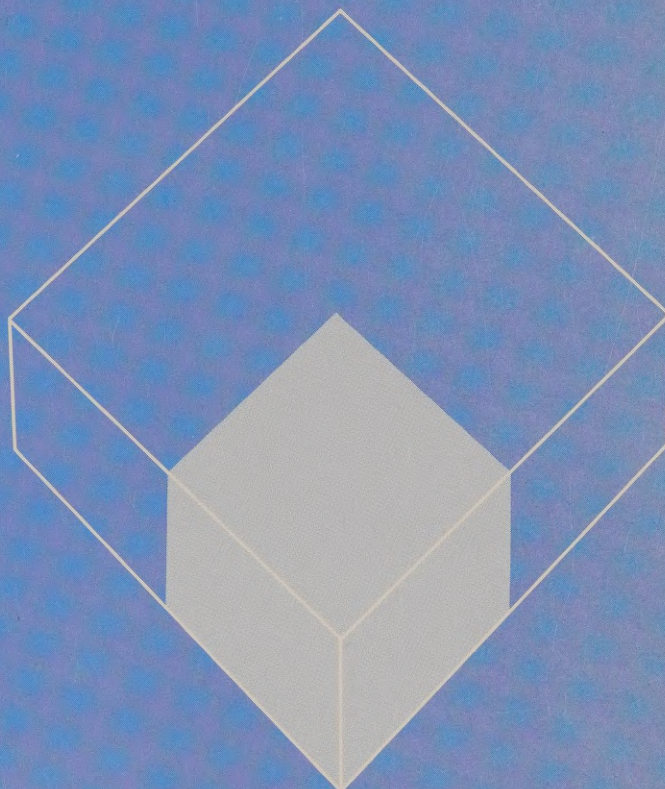
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# FEDERAL REGULATORY PLAN

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Office of Privatization  
and Regulatory Affairs



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Canada







# Federal Regulatory Plan 1989

Office of Privatization  
and Regulatory Affairs



Federal  
Regulatory  
Plan  
1989

© Minister of Supply and Services Canada 1988

Prepared by:  
Office of Privatization and Regulatory Affairs

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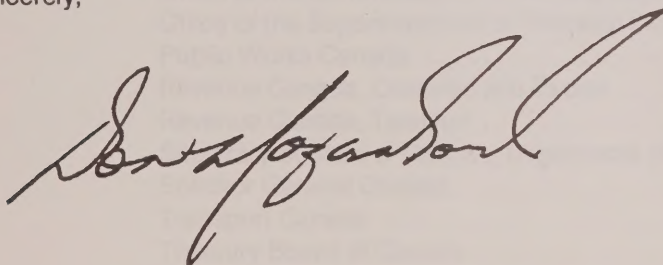
## A MESSAGE FROM THE MINISTER

As Minister responsible for Regulatory Affairs, I am pleased to present the 1989 edition of the annual *Federal Regulatory Plan*. This publication provides a preview of the federal government's anticipated regulatory activities for the upcoming year and allows individuals and associations to get in touch directly with departments while regulations are being developed.

Increased public involvement in regulatory decision-making along with other reforms introduced by the government over the past few years has had a substantial positive effect on the quality and quantity of federal regulations. For example, between 1985 and 1988 there has been a decrease of nearly 40 per cent in the enactment of federal regulations.

Public participation in the regulation-making process will continue to be an important feature of the government's regulatory policy. I encourage Canadians to use the 1989 Plan to participate actively in the regulatory process to ensure that the resulting regulations serve the public interest efficiently and effectively.

Sincerely,



Don Mazankowski





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## INTRODUCTION

The 1989 *Federal Regulatory Plan* lists 942 possible regulatory initiatives identified by 29 federal departments and six independent regulatory agencies.

The *Regulatory Plan* provides the public with an initial opportunity to review and participate in the development of regulations that departments and agencies propose to introduce in the foreseeable future.

A further chance for public scrutiny comes when the detailed text and the impact analysis for significant regulations are "prepublished" in Part I of the *Canada Gazette*.

Public responses to initiatives listed in the *Federal Regulatory Plan* can result in reconsideration or

even withdrawal of some proposals. Consequently, users should not expect that all the items in the *Plan* will necessarily be implemented during the coming year.

In response to readers' suggestions, this year's *Plan* includes an index.

Comments about individual regulatory proposals should be directed to the contact person identified under each item. Comments about the overall *Regulatory Plan* or its format are most welcome and should be directed to the Regulatory Affairs Branch, Office of Privatization and Regulatory Affairs, Ottawa, Ontario, K1A 1J2, telephone (613) 952-3458.





## GUIDING PRINCIPLES

The Regulatory Reform Policy which guides federal regulatory action is aimed at promoting greater economic and administrative efficiency while maintaining the protection of the public. The following guiding principles, constituting the policy, were announced on February 17, 1986.

1. Regulation is and will remain a necessary and important instrument for achieving the government's social and economic objectives. However, the government intends to "regulate smarter."
2. The government recognizes the vital role in the economy of an efficient marketplace and a dynamic entrepreneurial spirit and that regulation should not impede their operation without the most persuasive justification.
3. The government intends to limit as much as possible the overall rate of growth and proliferation of new regulation while protecting the public wherever appropriate.
4. With regard to existing regulatory programs, priority will be placed on reforming ineffective or economically counterproductive regulation, but there will be no program of wholesale deregulation. On a case-by-case basis, there will be reduced regulation where the practical interests of the economy and job creation call for it, just as there will be improved and even intensified regulation where public protection requires it.
5. Regulation entails social and economic costs and the government will evaluate these costs to ensure that benefits clearly exceed costs before proceeding with new regulatory proposals.
6. Regulation is legislation and, as such, will be brought more fully under the control of elected government representatives and subject to more effective review by Parliament.
7. The public has an important role to play in the development of regulation and the government will increase public access and participation in the regulatory process while simplifying procedures and restricting legalities to a minimum.
8. The federal regulatory system will be streamlined and made more efficient and effective to reduce costs, uncertain ties, and delays.
9. The government will place priority on increased regulatory cooperation with the provinces with a view to addressing the overall regulatory burden on Canadians and eliminating wasteful duplication.
10. A minister will henceforth be assigned specific responsibility for regulatory affairs including improved management of the system and overall implementation of the government's regulatory policy and reform strategy. Individual ministers with regulatory mandates will be responsible for implementing and exercising their responsibilities in conformity with the spirit and objectives of this policy.





## THE CITIZEN'S CODE OF REGULATORY FAIRNESS

1. Canadians are entitled to expect that the government's regulation will be characterized by minimum interference with individual freedom consistent with the protection of community interests.
2. The government will encourage and facilitate an opportunity for full consultation and participation by Canadians in the federal regulatory process.
3. The government will provide Canadians with adequate early notice of possible regulatory initiatives.
4. The government will take measures to ensure greater efficiency and promptness in discretionary and adjudicative regulatory decision making.
5. Once regulatory requirements have been established in law, the government will communicate to Canadians, in clear language, what the regulatory requirements are, and why they have been adopted.
6. The rules, sanctions, processes, and actions of regulatory authorities will be securely founded in law.
7. The government will ensure that officials responsible for developing, implementing or enforcing regulations are held accountable for their advice and actions.
8. The government will take all possible measures to ensure that businesses of different size are not burdened disproportionately by the imposition of regulatory requirements.
9. The government will ensure that the governments of the provinces and territories are given early notice of and an adequate opportunity to consult on federal regulatory initiatives affecting their interests.
10. The government will not use regulation unless it has clear evidence that a problem exists, that government intervention is justified and that regulation is the best alternative open to the government.
11. The government will ensure that the benefits of regulation exceed the costs and will give particularly careful consideration to all new regulation that could impede economic growth or job creation.
12. The government will avoid introducing regulations that control supply, price, and entry and exit in competitive markets except when overriding national interests are at stake.
13. The sanctions and enforcement powers specified in federal regulatory legislation will be proportionate and appropriate to the seriousness of the violation.
14. The government will enhance the predictability of the exercise of discretionary powers by federal regulatory authorities and ensure to the maximum extent possible inter-regional consistency in the administration of regulations.
15. The government will encourage the public to exercise its duty to criticize ineffective or inefficient regulatory initiatives, and to offer suggestions for better or "smarter" ways of solving problems and achieving the government's social and economic objectives.





## REGULATORY AGENCIES

Regulatory agencies are independent of government departments. They make orders and regulations having a broad application over the sector they regulate. In addition to rule-making, they adjudicate specific issues which have been brought before them.

The 1989 *Federal Regulatory Plan* presents the planned rule-making activities of the following federal regulatory agencies which have voluntarily provided 1989 plans:

- Atomic Energy Control Board (AECB)
- Canadian Human Rights Commission (CHRC)
- Canadian Radio-television and  
Telecommunications Commission (CRTC)
- Hazardous Materials Information Commission
- National Energy Board (NEB)
- National Transportation Agency (NTA)

The adjudicative activities of these and other federal regulatory agencies, such as specific licensing, rate change, and labour relations decisions, respond to private sector initiatives and cannot, therefore, be planned in advance. Readers are therefore encouraged to consult directly with the relevant agency to obtain information on adjudicative activities. In some instances, notices of these activities are published in Part I of the *Canada Gazette*.

## STATUTORY AUTHORITIES

The statutory authorities provided in this publication reference the most recent federal statutory consolidation, the Revised Statutes of Canada 1985.

It is expected that the Revised Statutes, 1985 will come into force by January 1, 1989.





# AGRICULTURE CANADA

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## Roles and Responsibilities

The Department is responsible for developing and implementing policies and programs conducive to the development of business opportunities in the agri-food sector, in a manner that assures both a dependable supply of safe, nutritious food at reasonable prices to consumers and equitable returns to producers and processors. Departmental services focus on the maintenance and establishment of national programs for the benefit of the agri-food sector as well as on regional and international development. In addition, the Department attempts to enhance programs within the overall framework of federal government policies, priorities and commitments in the areas of socio-economic development, emergency situations and international relations.

In fulfilling its role, the Department is responsible to three principal client groups: producers; processors, distributors, wholesalers and retailers; and consumers.

The overall objective of the Department is to provide a stable economic environment for sound business decisions by Canadian agricultural producers. The safety, quality and marketability of agri-food products are important priorities of the Department. Emphasis has also been placed on income stabilization programs and program measures to assist in the financial and credit needs of agricultural operations.

To fulfill its role in the forestry sector, the Department works directly with the provinces and the forest industry to promote and improve the economic use of Canada's forest resources through environmentally sound forest management.

## Legislative Mandate

The following legislation is administered by the Department of Agriculture:

- Advance Payments for Crops Act
- Agricultural Products Board Act
- Agricultural Products Cooperative Marketing Act
- Agricultural Products Marketing Act
- Agriculture Stabilization Act
- Animal Disease and Protection Act
- Animal Pedigree Act
- \* Appropriation Acts
- Canada Agricultural Products Act
- Canada Grain Act
- Canadian Dairy Commission Act
- Canadian Wheat Board Act
- \* Criminal Code
- Crop Insurance Act
- Department of Agriculture Act
- Experimental Farm Stations Act

- Farm Credit Act
- Farm Debt Review Act
- Farm Improvement and Marketing Cooperatives Loans Act
- Farm Improvement Loans Act
- Farm Loans Interest Rebate Act
- Farm Products Marketing Agencies Act
- Farm Syndicates Credit Act
- Feeds Act
- Fertilizers Act
- \* Financial Administration Act
- Forestry Development and Research Act
- Fruit, Vegetable and Honey Act
- Grain Futures Act
- Hay and Straw Inspection Act
- Humane Slaughter of Food Animals Act
- Inland Water Freight Rates Act
- Livestock and Livestock Products Act
- Livestock Feed Assistance Act
- Meat Import Act
- Meat Inspection Act
- Pest Control Products Act
- Pesticide Residue Compensation Act
- Plant Quarantine Act
- Prairie Farm Rehabilitation Act
- Prairie Grain Advance Payments Act
- Seeds Act
- Two-Price Wheat Act
- Western Grain Stabilization Act

\* Acts which themselves are not administered by the Department of Agriculture, but having one or more regulations which are.

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### 1-AGR

#### AGRICULTURAL PRODUCTS MARKETING ACT – VARIOUS ORDERS

Various orders delegating authority to provincial marketing boards to regulate the marketing of agricultural commodities in interprovincial and export markets are anticipated throughout 1989. There are currently 73 orders under the act. Approximately five new orders and 40 amendments are forecast for 1989.

*Anticipated Impact:* Increased organization and other improvements in the marketing systems for agricultural products, in both interprovincial and export trade, are anticipated. There will be no impact on consumers.

*Statutory Authority:* Agricultural Products Marketing Act, R.S.C. 1985, c. A-6

*Expected Date of Publication:* Various dates throughout the year

*Contact:* Guy Lalande, Special Programs, Agriculture Development Branch,

Sir John Carling Building,  
930 Carling Avenue, Ottawa, Ontario,  
K1A 0C5. Tel. (613) 995-9554

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#### 2-AGR

#### **DAIRY HERD INSPECTION FEES ORDER – FEE CHANGE**

This amendment will increase the fees from \$22 per cow per year to \$24 per cow, and minimum herd fees to \$600 per year for herd owners enrolled in the Record of Performance (ROP) Dairy Program. The estimated cost of providing service to herds in all provinces outside Ontario for the year ending March 31, 1985 was \$41 per cow. The increased fee schedule will maintain the support level at approximately 50 per cent of the program costs and assist in achieving cost-recovery target levels for the program. Negotiations are currently underway with provincial or regional producer organisations which should lead to the privatization of the ROP Dairy Program by March 31, 1989, by which time the Dairy Herd Inspection Fees Order will be eliminated.

*Anticipated Impact:* Between two and five per cent of the herd owners currently enrolled in the ROP program are expected to withdraw, transferring to less expensive owner-samples programs at the time of their anniversary dates. These herd owners can obtain testing service on these alternative milk recording programs.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11 and Minister of Agriculture Authority to Prescribe Fees Order

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Malcolm MacGregor, Director, Livestock Development Division, Agriculture Development Branch, Fontaine Building, Hull, Quebec, K1A 0C5. Tel. (613) 995-9554

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#### 3-AGR

#### **FORESTRY TIMBER REGULATIONS**

Amendments will be made to the regulations which were first established 26 years ago and do not reflect today's conditions. The Standing Joint Committee for the Scrutiny of Regulations also has stated that the regulations should reflect the limits of current statutory authority and the basic principles of fairness to those subject to the regulations. These amendments clarify general terms and conditions respecting harvesting of timber from forest experimental areas, establish the rights of appeal for those subject to the regulations and streamline Canadian Forestry Service internal lines of authority regarding implementation of the regulations.

*Anticipated Impact:* The regulations are relevant to a very small segment of the public, namely contractors and individuals who harvest wood from forest experimental areas; the amendments will have minor impact on those affected. The main impact will be the addition of rights of appeal to the regulations.

*Statutory Authority:* Forestry Development and Research Act, R.S.C. 1985, c. F-30

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Federal Lands Forestry, Forest Development Directorate, Canadian Forestry Service, Agriculture Canada, Ottawa, Ontario, K1A 1G5. Tel. (819) 997-1107

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#### 4-AGR

#### **CANADA GRAIN REGULATIONS – ABBREVIATIONS OF OFFICIAL GRADE NAMES**

Schedule XIV to the Canada Grain Regulations is the only prescribed list of abbreviations for terms in use by Canadian Grain Commission inspectors. The schedule does not include abbreviations for the official grade names sanctioned elsewhere in the act and regulations. These abbreviations are used in all documentation covering grain trade transactions but have no official legal status. This situation could lead to problems; for example, in the case of the bankruptcy of a licensee, creditors are paid according to grades, but if the abbreviations used are not legally sanctioned there might be difficulty in making payment. Therefore the list of abbreviations in schedule XIV will be expanded to include official grade names.

*Anticipated Impact:* This change is being made on the advice of the Commission's legal counsel to correct a perceived weakness in the regulations which might lead to possible confusion or legal problems.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Linda Tesser, Corporate Secretary, Canadian Grain Commission, 600-303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-3081



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5-AGR**CANADA GRAIN REGULATIONS – FEES OF THE COMMISSION**

It is proposed to adjust the fees of the Commission, shown in schedule I of the regulations, to maintain cost recovery on average for a five-year period. The specific changes will depend on financial results achieved in the 1988-89 fiscal year and forecasts for 1989-90.

*Anticipated Impact:* There may be either increased or decreased costs to grain producers for handling grain. However, in either case, such costs will be in line with the Treasury Board directive regarding full cost recovery by the Commission.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Linda Tesser, Corporate Secretary, Canadian Grain Commission, 600-303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-3081

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6-AGR**CANADA GRAIN REGULATIONS – GRAIN FORMS**

Amendment of certain forms in schedules V and VI and the addition of some new forms were included in the *Federal Regulatory Plan* for 1988 but were not completed. It is proposed to complete these in 1989. This may include amendments to sections 25 and 29 of the regulations to match the new reporting requirements.

*Anticipated Impact:* With the increased use of computers, amendments of the forms should improve efficiency. The new grain dealer form should assist the Commission in monitoring grain dealers.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Linda Tesser, Corporate Secretary, Canadian Grain Commission, 600-303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-3081

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7-AGR**CANADA GRAIN REGULATIONS – GRAIN HANDLING CHARGES**

It is proposed to review the weight on which grain handling charges should be computed in schedules

VII, VIII and IX of the regulations. This may result in amendments to subsections 32(4), 32(5), 32(6), 33(4), 33(5), 34(3) and 34(4), as well as to some forms in schedule V.

*Anticipated Impact:* Depending on the results of the review, there may be an adjustment of grain handling costs between producers and elevator companies.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Linda Tesser, Corporate Secretary, Canadian Grain Commission, 600-303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-3081

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8-AGR**CANADA GRAIN REGULATIONS – MAXIMUM ELEVATOR TARIFFS**

Except for storage charges, no amendments were made to the maximum tariffs of primary, terminal and transfer elevators for the 1988-89 crop year. The Commission will be conducting an extensive review of tariff regulation including consultations with elevator operators, users and producer groups. This review could result in amendments to sections 32 through 35 of the Canada Grain Regulations. Upon review of the companies' annual statements after the 1988 fiscal year, and taking into account the outcome of the tariff regulation review, the Commission will consider whether the maximum tariffs in schedules VII, VIII and IX should be adjusted for the 1989-90 crop year.

*Anticipated Impact:* As most of the elevators' charges are below the maximum tariffs, it will depend on the elevator companies whether or not there will be increased costs in the handling of grain.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Linda Tesser, Corporate Secretary, Canadian Grain Commission, 600-303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-3081

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9-AGR**CANADA GRAIN REGULATIONS – MAXIMUM SHRINKAGE ALLOWANCE**

As part of the review of tariff regulation, the Commission is considering reducing the shrinkage

allowances that are deducted from the gross weight of lots of grain when they are received at elevators. This review could result in amendments to schedules X and XI as well as sections 33, 53 and 69 of the Canada Grain Regulations.

*Anticipated Impact:* The initial impact will be to increase producers' income and decrease grain handlers' income. Possibly grain handlers would increase their handling tariffs as a result so that the net income position of both groups would remain the same as before the change.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 10-AGR

### CANADA GRAIN REGULATIONS – MISCELLANEOUS AMENDMENTS

The Commission has made a special effort this year to go through the regulations and make a number of housekeeping changes. These changes can be divided into two groups; changes made necessary by the automation of some functions and changes designed to clarify requirements of the Commission by substituting new wording or reorganizing sections in a more logical manner. The changes include alterations in the forms contained in schedules V and VI and the resulting adjustments to various sections in the regulations.

*Anticipated Impact:* These amendments will bring the regulations in line with current procedures at the Commission and will make the Commission's requirements clearer to licensees and others.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 11-AGR

### CANADA GRAIN REGULATIONS – REVISION

In light of amendments being made to the Canada Grain Act to provide for current requirements and to meet future developments of the Canadian grain

industry, the Canada Grain Regulations will have to be revised.

*Anticipated Impact:* The revision of the Canada Grain Regulations will assist in providing for current requirements and in meeting future developments of the Canadian grain industry. In the interest of grain producers, the revision will allow the Commission more effectively to establish and maintain standards of quality for Canadian grain and to regulate grain handling in Canada to ensure a dependable commodity for domestic and export markets.

*Statutory Authority:* Canada Grain Act, R.S.C. 1985, c. G-10

*Expected Date of Publication:* Pursuant to the proclamation of the revised Canada Grain Act, Bill C-112, which was given Royal Assent on August 18, 1988.

*Contact:* W.J. O'Connor, Executive Director, Canadian Grain Commission, Room 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-2731

#### 12-AGR

### FARM CREDIT ACT INTEREST RATES REGULATIONS

The Farm Credit Act Interest Rates Regulations prescribe the rates of interest payable to the Farm Credit Corporation by borrowers on loans made under the Farm Credit Act. Interest rates on loans under the Farm Credit Act are adjusted periodically as market conditions and the cost of funds change. Each time interest rates on loans change, section 3 of the existing regulations must be revoked and a new section 3 must be approved by the Governor in Council.

*Anticipated Impact:* The impact of changes in interest rates on loans to farmers under the Farm Credit Act depends upon the degree and the direction of the change. Since the lending rate is based on market and economic conditions and the cost of funds, FCC lending rates usually follow the trends set by commercial lenders for interest rates on farm mortgages. As the cost of credit, and therefore the level of interest rates, is only one component of farm input costs, the impact of changing interest rates on individual farms is dependent upon the level of debt, changes in other input costs and the prices received for farm commodities. A substantial change in interest rates can affect the demand for credit and therefore the purchase of assets. However, most Farm Credit Act loans are for the purchase of farm land, an asset that is generally controlled by farmers.

*Statutory Authority:* Farm Credit Act, R.S.C. 1985, c. F-2

*Expected Date of Publication:* Unknown



**Contact:** T. Robertson, Treasurer, Farm Credit Corporation, Box 2314, Postal Station D, Ottawa, Ontario, K1P 6J9. Tel. (613) 996-6606

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### 13-AGR

#### **FARM SYNDICATES CREDIT ACT INTEREST RATE ORDER**

The Farm Syndicates Credit Act (FCSA) states the basis upon which the Farm Credit Corporation (FCC) shall prescribe the interest rate for loans under the act subject to approval of the Governor in Council. The interest rate on loans under the FCSA is adjusted periodically as market conditions and the cost of funds change: approval of the Governor in Council must be obtained each time.

**Anticipated Impact:** The impact of changes in the interest rate on loans to farmers under the Farm Syndicates Credit Act depends upon the degree and the direction of the change. Because the FCSA lending rate is based on market conditions and the cost of funds, it usually follows the trends set by commercial lenders for interest rates for intermediate-term credit. As the cost of credit, and therefore the level of interest rates, is only one component of farm input costs, the impact of changing interest rates on individual farms is dependent upon the level of debt, changes in other input costs and the prices received for farm commodities. A substantial change in interest rates can substantially affect the demand for credit and therefore, the purchase of assets. Most Farm Syndicates Credit Act loans are for the purchase of machinery and fixed equipment that is shared by three or more individual farm operators.

**Statutory Authority:** Farm Syndicates Credit Act, R.S.C. 1985, c. F-4

**Expected Date of Publication:** Unknown

**Contact:** T. Robertson, Treasurer, Farm Credit Corporation, Box 2314, Postal Station D, Ottawa, Ontario, K1P 6J9. Tel. (613) 996-6606

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### 14-AGR

#### **ANIMAL DISEASE AND PROTECTION ACT – PROHIBITION ORDERS**

Emergency orders under section 15 of the Animal Disease and Protection Act are made by the Minister of Agriculture to prohibit the importation of animals and other items which might introduce a serious foreign animal disease into Canada. They are usually in response to a disease outbreak or other similar emergency in a country that exports to Canada.

**Anticipated Impact:** Prohibition orders do have an impact on importers. However, they are accepted

by the industry as an alternative to prohibiting trade on a permanent basis or allowing disease to enter Canada. These orders do not usually affect the Canadian public or the agriculture industry as a whole, but are restricted to the exporting companies in other countries and to the importer in Canada.

**Statutory Authority:** Animal Disease and Protection Act, R.S.C. 1985, c. A-11

**Expected Date of Publication:** Prepublication is not feasible as importation of the commodities must be stopped immediately, nor is it possible to anticipate when these orders will be required.

**Contact:** Dr. Brian Peart, Chief, Transportation of Animals, Animal Health Division. Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

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### 15-AGR

#### **ANIMAL DISEASE AND PROTECTION REGULATIONS – BRUCELLOSIS AND TUBERCULOSIS ERADICATION**

The regulations implementing the brucellosis and tuberculosis eradication programs will be amended to: a) implement the Canadian Health Accredited Herd Plan and to revoke the current herd plans dealing with brucellosis and tuberculosis; b) amend the regulatory requirements for an eradication area to be recognized and to continue to be recognized as a brucellosis-free area to take into consideration Canada's brucellosis-free status; c) expand the programs to captive wild ungulates; and d) reduce the brucellosis-testing requirements for cattle sold at auction markets.

**Anticipated Impact:** This specific amendment allows the implementation of the eradication plan for captive wild ungulates. The impact on an individual owner whose animals are found to have a disease will not change. The impact of the remaining changes will be minimal as they recognize the decreased level of brucellosis infection in the Canadian national cattle herd.

**Statutory Authority:** Animal Disease and Protection Act, R.S.C. 1985, c. A-11

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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16-AGR**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – CLARIFICATION**

The following amendments will be made to ensure that the regulatory authority for the present program is clear: a) the section dealing with foreign animals transiting Canada will be amended to clarify the regulatory basis for our present control program; b) the section controlling the importation of veterinary biologics will be clarified to ensure that the present policy of controlling all purified or processed material of animal origin or micro-organisms that were exposed to material of animal origin be firmly based in regulatory authority; c) the regulatory authority dealing with the importation of garbage containing animal products or by-products will be amended to clarify the routine control requirements and to provide conditions for the disposal in emergency situations; d) the regulatory authority for controlling the importation of bees will be amended as a result of the outbreak of varroa mite in the United States; and e) the section dealing with the importation of ruminants other than bovines will be amended to clarify which species are affected and to ensure that the regulation meets the current requirements.

*Anticipated Impact:* The impact of the above amendments is expected to be low since they are designed to clarify existing practices and not to change substantially the present programs.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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cleaning and disinfection of vehicles, crates or containers used to transport livestock within Canada will be removed except under specified conditions and upon the order of an inspector.

*Anticipated Impact:* The above amendments will reduce the regulatory burden while ensuring that serious economic diseases do not enter Canada.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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18-AGR**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – FIELD TRIALS FOR  
VETERINARY BIOLOGICS**

Provisions will be made to allow for control of testing and of field trials using animals for veterinary biologics produced by biotechnological methods.

*Anticipated Impact:* The anticipated impact will be moderate since it will affect only companies who wish to conduct field trials of veterinary biologics.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter 1989, Part II, *Canada Gazette*

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17-AGR**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – DEREGULATION**

The following amendments will reduce the burden of the regulations on people who import animals, animal products and animal by-products into Canada or who transport animals within Canada: a) the requirements for the importation of cattle from the United States will be amended as a result of problems identified during the 1988-89 importation of cattle; b) the section allowing Canadian animals to return to Canada after short visits to the United States will be amended to increase the number of species to which this exemption is granted and to strengthen the present requirements that animals must meet to enter Canada under these reduced health conditions; and c) the requirement for routine

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19-AGR**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – HUMANE TRANSPORT**

The regulations will be modified to allow the Department to issue permits which set out conditions for the humane transportation of animals being imported into or exported from Canada; and to amend the section of the regulations which sets out the maximum number of animals for which a handler can provide food and care.

*Anticipated Impact:* The anticipated impact of the above amendment is moderate since it will affect only exporters of high risk shipments.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 20-AGR

### **ANIMAL DISEASE AND PROTECTION REGULATIONS – IMPORT ANIMAL PRODUCTS AND BY-PRODUCTS**

The regulations will be amended to: a) ensure that the regulatory base for the present control program dealing with the importation of animal products is satisfactory; b) allow the Department to issue permits for the importation of certain animal products from countries, provided the products meet conditions set out in those permits; and c) allow the Department more flexibility in controlling the importation of animal by-products. This will include the authority to issue permits setting out conditions under which by-products may be imported from more countries.

*Anticipated Impact:* The amendments will increase both the number of animal products and by-products that can be imported and the number of countries from which they can be imported. Increased competition for products produced in Canada could result.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 21-AGR

### **ANIMAL DISEASE AND PROTECTION REGULATIONS – IMPORTATION OF FEEDSTUFFS**

The section controlling the importation of feedstuffs will be amended to control feedstuffs which might introduce certain avian and other diseases not previously identified under this section.

*Anticipated Impact:* The importation of certain grains and other feedstuffs used to feed poultry or pet birds will be limited. The impact is expected to be minimal since other sources of these feedstuffs are available.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 22-AGR

### **ANIMAL DISEASE AND PROTECTION REGULATIONS – IMPORTATION OF TURTLES**

The implications of turtles and turtle eggs in the transmission of salmonella are being reviewed. Amendments may be made to the section of the regulations setting out the requirements for their importation subsequent to that review.

*Anticipated Impact:* The impact of all the above amendments is expected to be low since the importation of turtles is already controlled.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 23-AGR

### **ANIMAL DISEASE AND PROTECTION REGULATIONS – MINOR REVISIONS**

Minor housekeeping changes are needed to revoke outdated portions of the regulations, to make minor corrections where required as a result of other amendments, or to correct errors identified in current regulations. These amendments will serve to clarify the regulations but will have little or no impact on their substance.

*Anticipated Impact:* Because of the minor nature of the amendments, the impact will be nil.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Minor housekeeping changes will be made as identified and publication dates will vary.

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## 24-AGR

**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – PORTS OF ENTRY**

The Department will review the policy dealing with ports of entry, hours of service and specifications as to what animals, animal products and animal by-products may be presented to specific ports.

*Anticipated Impact:* The impact is expected to vary since it will affect only importers who may not be able to present something for inspection at a certain port or time. The overall impact would be to ensure that resources are used more effectively.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 25-AGR

**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – RABIES, CYSTICERCOSIS,  
TRICHINOSIS**

A review of the cysticercosis program has just been completed. A review of the trichinosis program is under way and will be followed by a review of the rabies program. Consideration will be given to possible changes in the regulations for these three programs, particularly dealing with the aspect of quarantines and payment of compensation.

*Anticipated Impact:* Impact will depend on results of program reviews, and industry will be consulted during each program review. Changes to regulations for quarantine will provide for better control vis à vis placement and release of quarantines.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 26-AGR

**ANIMAL DISEASE AND PROTECTION  
REGULATIONS – REQUIREMENT FOR  
DECLARATION**

The regulations will be amended to require all persons importing an animal, animal product or animal by-product into Canada to present that item to an inspector or a Customs officer at the time of importation. Implementation is expected for October 1989.

*Anticipated Impact:* The impact should be minimal since the regulations already require all importers to produce a certificate when importing animals or other items controlled under the regulations. This amendment will simply ensure that the requirement is clear.

*Statutory Authority:* Animal Disease and Protection Act, R.S.C. 1985, c. A-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 27-AGR

**BEEF CARCASS GRADING REGULATIONS –  
AGE CATEGORIES**

Carcass maturity is an important factor in predicting meat palatability. Currently, beef carcasses are assigned by the grader to one of three possible age categories – youthful, intermediate or mature. The majority of intermediate aged beef carcasses are graded Canada C. Given that the Canada C grade represents approximately one per cent of the total graded beef kill, and that recent studies have not shown conclusive palatability differences between A and C grade beef carcasses, the Canadian Cattlemen's Association has recommended elimination of the intermediate age category and consequently the C grades. Agriculture Canada will study further research results of the effect of carcass maturity on beef palatability and, if there is industry agreement to have only two beef-carcass maturity categories, will amend the regulations accordingly.

*Anticipated Impact:* The potential impact will not be great as only approximately one per cent of the beef carcasses are graded Canada C at present. The impact of transferring some or all of these carcasses to the higher grades depends on public perception of eating quality of A grade beef and remains to be established. There will be no impact on prices to the consumer.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27



*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture, Halldon House, 2255 Carling Avenue, Ottawa, Ontario. K1A 0Y9. Tel. (613) 995-5433

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#### 28-AGR

### **BEEF CARCASS GRADING REGULATIONS – TRADE**

The current regulations require grading and carcass grade-stamping for carcasses moving interprovincially, with certain exemptions, and also for carcasses being exported. No grading requirement exists for beef being imported into Canada. Concerns have been raised that the requirements for grading on imported products should be the same as those on domestic products in order to ensure and promote beef quality. Agriculture Canada will continue to consult on interprovincial and international grade requirements for beef, and amend the regulations if consensus is obtained.

*Anticipated Impact:* The grade quality of imported beef would be identified. Market signals on consumer-desired quality would be clearer. Distribution of quality for imported products could be monitored.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

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#### 29-AGR

### **DAIRY PRODUCTS REGULATIONS – BUTTER GRADE STANDARDS**

Certain grade standards of butter-like products appear to be inadequate. The amendment will revise the grade standards for butter. It will also remove the applicability of grade standards and introduce standards of identity for such butter-like products as dairy spread, calorie-reduced butter, whey butter, whipped butter and whipped dairy spread. For those butter-like products, only standards of identity will remain in the regulations.

*Anticipated Impact:* The proposal will result in more relevant and meaningful grade standards for butter and should facilitate the marketing of butter-like products. No increase in the costs of these products is expected.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Huguette R. Miron, Chief, Legislation, Processed Products, Dairy, Fruit and Vegetable Division, 2255 Carling Avenue, Agriculture Canada, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

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#### 30-AGR

### **DAIRY PRODUCTS REGULATIONS – FAT AND MOISTURE FOR SOME CHEESE VARIETIES**

The amendment is in response to requests from the industry. It will standardize or revise the fat and moisture content of some cheese varieties, exempt prepackaged grated and shredded cheese from the declaration of the percentage of moisture and milk fat on the label and revise the marking requirements of cheddar cheese packed in bulk.

*Anticipated Impact:* The amendment will simplify marking requirements for newly standardized varieties of cheese and will make the amended composition standards more practical.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 31-AGR

### **DAIRY PRODUCTS REGULATIONS – HEALTH AND SAFETY**

The amendment will make reference to health and safety provisions of the Food and Drug Regulations as a follow-up to the Ministerial Task Force Report on Program Review and the regulatory reform strategy enunciated by the government in 1986.

*Anticipated Impact:* This proposal will help to provide a better food inspection system to the Canadian industry and to consumers by reducing duplication of inspection and by providing a clearer

mandate to the inspection service of Agriculture Canada.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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references will facilitate their application by enforcement agencies compliance as well as by the affected industries.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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### 32-AGR

#### DAIRY PRODUCTS REGULATIONS – OPTIONAL DECLARATION OF GRADES AND HEAT TREATMENT

This amendment is in response to requests from the industry to ease the marking of bulk containers. The proposed amendment will allow for the optional use of grades in the case of low-density skim milk powder, buttermilk powder, whey powder, acid-type whey powder, blends of skim milk and whey powders, edible acid casein and edible caseinates packed in bulk. It will also allow for the optional declaration of heat treatment on labels of skim milk powder.

*Anticipated impact:* The amendment should facilitate the marketing of dairy products as it will simplify labelling requirements for some dairy products packed in bulk.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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### 34-AGR

#### EGG REGULATIONS – SAMPLING PLAN

This amendment deletes the inspection sampling plan prescribed in the regulations that is no longer considered appropriate for use because of its inflexibility. In its place reference is made to an official sampling plan, whereby the level of sampling is based on compliance history. The amendment also removes references to Canada Grade A1 which is no longer used, and makes several housekeeping changes.

*Anticipated Impact:* No significant impact is anticipated. The removal of the inspection sampling plan from the regulations is consistent with the policy for other commodity regulations. For economical reasons, the grade Canada A1 is no longer used by industry.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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### 33-AGR

#### DAIRY PRODUCTS REGULATIONS – STATUTORY AMENDMENTS

These regulations require updating to reflect changes resulting from the promulgation of the Canada Agricultural Products Act on July 7, 1988. Various definitions used in the regulations and references to the former Canada Agricultural Products Standards Act of 1955 no longer correspond to these items in the new act.

*Anticipated Impact:* Bringing the regulations fully up to date with the statutory definitions and

### 35-AGR

#### FEEDS REGULATIONS: MINOR AND EDITORIAL UPDATES

Additions, modifications or deletions of feed ingredients in schedule IV and schedule V, and revision of nutrient levels in table IV of schedule I are required on a routine basis.

*Anticipated Impact:* A current set of regulations will benefit industry by facilitating their compliance with the regulations. These modifications reflect new



developments and are necessary to keep the regulations current.

*Statutory Authority:* Feeds Act, R.S.C. 1985, c. F-9

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* A. Goldrosen, Technical Services Officer, Feed and Fertilizer Division, Food Production and Inspection Branch, Agriculture Canada, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900

### 36-AGR

#### **FEEDS REGULATIONS: REGISTRATION EXEMPTION FOR MINOR SPECIES FEED**

Currently, minor species feeds manufactured, imported or sold in Canada must be registered. A table of acceptable nutrient levels to exempt domestically-manufactured horse, goat, duck and goose feeds from registration is being developed by the Feed and Fertilizer Division. This is a further progression in reducing the regulatory burden on industry.

*Anticipated Impact:* These changes will enable manufacturers simultaneously to produce feed, print labels and sell feeds for minor species, thus streamlining customer service. The paper burden on the feed industry will also be reduced.

*Statutory Authority:* Feeds Act, R.S.C. 1985, c. F-9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 37-AGR

#### **FERTILIZERS REGULATIONS – MINOR REVISIONS**

This proposal makes general housekeeping changes to the Fertilizers Regulations. These changes include editorial amendments, correction of translation errors, and amendments to update schedule II, Names and Standards of Fertilizers and Supplements.

*Anticipated Impact:* The proposed changes will benefit all parties referring to the regulations by keeping the regulations current.

*Statutory Authority:* Fertilizers Act, R.S.C. 1985, c. F-10

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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### 38-AGR

#### **FERTILIZERS REGULATIONS – PRIVATE LABELS, LABEL REVIEW, FEES**

This amendment recognizes that identical products manufactured by one company but marketed under several brand names (i.e., private label products) should not require an individual review of each brand. It also provides for a service whereby labels of products exempted from registration may be reviewed for a fee, upon request. Finally, it amends the current fee schedule so that a standard fee is required for any product evaluation (whether the product ultimately is registered or not); a lower registration fee is charged for private labels of an initially-registered product; and a fee requirement is set for the review of labels for registration-exempted products.

*Anticipated Impact:* The concept of private labels answers a request from industry by reducing the number of full registrations that must be maintained; at the same time, it would result in a savings of evaluation resources. An optional review service assists those electing for such a review in producing correct labels at first printing, without causing delays in marketing for the industry as a whole. The amended fee schedule will more fairly reflect resources used in product evaluation.

*Statutory Authority:* Fertilizers Act, R.S.C. 1985, c. F-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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### 39-AGR

#### **FERTILIZERS REGULATIONS – STANDARDS FOR FERTILIZER-PESTICIDES**

This amendment will establish standards and labeling requirements for fertilizer-pesticides, which will be published in the Compendium of Fertilizer-Use Pesticides. Adherence to these standards is obligatory in order for a fertilizer-pesticide product



to be exempt from registration under the Feed and Fertilizer Division's recently modified approach to regulating these products.

*Anticipated Impact:* Published standards and labeling requirements will facilitate the proper manufacture and labelling of fertilizer-pesticides by the industry, and the elimination of registration will shorten delays in marketing new products. Consultation has determined that this amendment has the support of both industry and consumers.

*Statutory Authority:* Fertilizers Act, R.S.C. 1985, c. F-10

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 40-AGR

#### FOOD-RELATED REGULATIONS – UNIFORMITY

In 1988, the new Canada Agricultural Products Act received Royal Assent. This act regulates the marketing of agricultural products in import, export and interprovincial trade. In order to ensure uniformity to all food-related regulations administered by the Food Inspection Directorate and to further assure the safety and quality of food consumed by Canadians, clarification is proposed for the sections dealing with food product importation, health and safety provisions, and exemptions to the application of the act for the following regulations: egg, processed egg, processed poultry, dairy products, fresh fruit and vegetable, processed products, maple products, honey, and meat inspection.

*Anticipated Impact:* Food health concerns will be more adequately addressed, and Canadians will have greater assurance of their food safety. The food inspection system will be improved by the introduction of more uniform requirements and the provision of a clearer mandate to the inspection service of Agriculture Canada.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27; Meat Inspection Act, S.C. 1985, c. 17

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel: (613) 995-5433

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#### 41-AGR

#### FRESH FRUIT AND VEGETABLE REGULATIONS – ASPARAGUS

Grade standards are provided under these regulations for asparagus. On behalf of Canadian asparagus growers, the Canadian Horticultural Council has proposed to the Department that the grade standards be amended to establish more precise sizing requirements within the existing grades, and to make a new grade for thin asparagus.

*Anticipated impact:* These additions to the grade standards will allow producers to take advantage of specialty markets where there is a demand for diameter-graded and thin asparagus. Broadening the market base for this product will enhance financial returns to Canadian producers. Since the existing grade standards will not be changed, there will be no disadvantage created for imported asparagus.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Don Crosby, Chief, Legislation, Dairy, Fruit and Vegetable Division, Agriculture Canada, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

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#### 42-AGR

#### FRESH FRUIT AND VEGETABLE REGULATIONS – CANADA/U.S. REVIEW

Grade standards for fresh fruits and vegetables established under the Canada Agricultural Products Act are fairly closely matched by grade standards for these products set out in the United States Standards for Grades. There are, however, some differences in the grade requirements for specific commodities, which occasionally lead to inspection and certification difficulties where these products are traded between the two countries.

A review of Canadian and U.S. grades for fresh fruits and vegetables is being undertaken in order to reduce or eliminate differences. As a result, amendments to the regulations may be necessary to reflect harmonized Canada/U.S. grade standards.

*Anticipated impact:* Harmonization of Canadian and U.S. grade standards for fresh fruits and vegetables will facilitate freer trade in these commodities. Grading, inspection and certification procedures will be simplified, leading to better product compliance and fewer problems attributable to incorrectly certified shipments. There could be cost savings for industry and government, as well as reduced product wastage, which could mean consumer savings.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected date of publication:* First Quarter, 1990, Part I, *Canada Gazette*; Third Quarter, 1990, Part II, *Canada Gazette*

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#### 43-AGR

### **FRESH FRUIT AND VEGETABLE REGULATIONS – MINOR REVISIONS**

From time to time, regulations need updating to keep them current with statutory requirements and changes in industry practices as well as to correct oversights and errors in either official language text. These amendments make such changes and also include clarification of packaging and labelling requirements for cabbages and potatoes, restrictions on the export of apples affected by apple maggots or San Jose Scale for apples exported to the United Kingdom and modification of the size description of potatoes for restaurant and institutional use. Restrictions on the interprovincial trade in Canada No. 1 Small Grade potatoes and Canada peeler grades for apples are removed. These amendments have been the subject of discussion with industry representatives for several months.

*Anticipated Impact:* These amendments will make the regulations more up to date and facilitate their enforcement. Modifications to the packaging and labelling requirements for cabbages and potatoes will give industry greater flexibility in providing these products to their customers in the manner they find most economical. Cost savings can be expected. The regulations will also reflect more closely the statutory authority.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Don Crosby, Chief, Legislation, Fresh Products, Dairy, Fruit and Vegetable Division, Agriculture Canada, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

#### 44-AGR

### **FRESH FRUIT AND VEGETABLE REGULATIONS – PACKAGING AND LABELLING**

These regulations prescribe packaging and labelling requirements for fresh fruits and vegetables,

including standard package sizes and the size and location of mandatory markings. A general review of these packaging and labelling requirements is being undertaken to update the regulations, taking into account innovations in package manufacturing as well as marketing needs and practices at all levels of the fresh fruit and vegetable industry. Part of the review will consider packaging and labelling practices and requirements of other countries in order to facilitate international trade. Departmental initiatives in the area of uniform labelling regulations will also be considered.

*Anticipated Impact:* Complete modernization of Canadian packaging and labelling regulations for fresh fruits and vegetables will assist Canadian producers and importers in marketing their products. Package and label design will be flexible, yet a rational approach to packaging will be maintained to avoid the proliferation of different sized packages and to maintain essential consumer-oriented labelling information. Updated and uniform packaging and labelling regulations will simplify the label design process resulting in fewer labelling infractions as well as cost savings to producers, label manufacturers, consumers and enforcement agencies. Discussions between departmental officials and industry and consumer groups as well as with other government agencies will be undertaken.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* First Quarter, 1990, Part I, *Canada Gazette*; Third Quarter, 1990, Part II, *Canada Gazette*

*Contact:* Don Crosby, Chief, Legislation, Fresh Products, Dairy, Fruit and Vegetable Division, Agriculture Canada, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

#### 45-AGR

### **FRESH FRUIT AND VEGETABLE REGULATIONS – STATUTORY AMENDMENTS**

These regulations need to be updated to reflect changes resulting from the promulgation of the Canada Agricultural Products Act on July 7, 1988. Various definitions used in the regulations and references to the former Canada Agricultural Products Standards Act of 1955 no longer correspond to these items in the new act.

*Anticipated Impact:* These amendments will facilitate the application of the regulations by enforcement agencies, and compliance by the affected industries.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32



*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* Don Crosby, Chief, Legislation, Fresh Products, Dairy, Fruit and Vegetable Division, Agriculture Canada, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

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#### 46-AGR

### **FRUIT, VEGETABLES AND HONEY REGULATIONS – REVOCATION**

These regulations, made in 1935, were substantially replaced in 1965 by regulations made under the Canada Agricultural Products Standards (CAPS) Act. The only parts of the regulations that were retained under the Fruit, Vegetables and Honey Act were sections 56 and 57 dealing with consignment selling of fresh fruit and vegetables. The CAPS Act was replaced by the Canada Agricultural Products Act on July 7, 1988, which made provision for the establishment of regulations dealing with consignment selling. Such regulations were passed on July 21, 1988, by an amendment to the Licensing and Arbitration Regulations.

*Anticipated Impact:* Since the provisions of these regulations are being carried over in the amended Licensing and Arbitration Regulations, there will be no impact associated with revoking the Fruit, Vegetables and Honey Regulations.

*Statutory Authority:* Fruit, Vegetables and Honey Act, R.S.C. 1970, c. F-31, s. 3

*Expected Date of Publication:* First Quarter 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Don Crosby, Chief, Legislation, Fresh Products, Dairy, Fruit and Vegetable Division, Agriculture Canada, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

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#### 47-AGR

### **HATCHERY REGULATIONS – REVISION**

This amendment will make these regulations consistent in format and content with other commodity regulations administered by the Food Inspection Directorate as they relate to suspension and cancellation of a permit for violation of the act or regulations. Registration and maintenance provisions for hatcheries will be similar to other commodity regulations for greater ease in understanding, interpretation and application for both industry and government. The amendment provides a descriptive differentiation and designation of hatcheries permitted to trade both domestically and internationally, based on premises requirements.

Provisions are included in the amendment to levy licence fees for permit issuance and to prescribe conditions of cleanliness of chick-transport vehicles to control disease.

*Anticipated Impact:* These revisions will have a positive impact on the industry since they respond to industry concerns regarding uniformity and clarity of regulatory provisions. By detailing the procedures related to suspension or cancellation of a permit, hatchery operators will be more vigilant in their compliance with sanitation and operational requirements. Increased compliance will benefit the commercial poultry sector in the quality of chicks or poulters received for production.

*Statutory Authority:* Livestock and Livestock Products Act, R.S.C. 1985, c. L-9

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 48-AGR

### **HAY AND STRAW INSPECTION REGULATIONS – REVISION**

The current Hay and Straw Inspection Regulations are out of date and of little benefit to the hay industry. A proposed model for hay grading certification has been developed by the Feed and Fertilizer Division to replace the current set of regulations.

*Anticipated Impact:* The introduction of a hay certification system will facilitate the interprovincial and international marketing of hay. The new certification system will more accurately describe the quality of the hay being sold. Consultations with affected industries are ongoing.

*Statutory Authority:* Hay and Straw Inspection Act, R.S.C. 1985, c. H-2

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 49-AGR

**HOG CARCASS GRADING REGULATIONS, 1986 – PROBES**

Hog producers in Canada are paid on the basis of the predicted lean-yield percentage from the carcasses of the hogs that they market. Two electronic probes, the Destron and the Hennessy, are currently approved for hog grading in Canada. It is essential that the predicted carcass lean-yield content is within a pre-specified tolerance regardless of which approved probe is used. Otherwise, a bias is introduced into the hog-marketing system. Adjustments are necessary to the lean-yield prediction-equation of the Destron probe. A third probe, the Fat-O-Meat're, is expected to meet the specifications for approval in the near future, at which time it will be added to the list of those already approved. Housekeeping concerns of the Standing Joint Committee for the Scrutiny of Regulations will also be addressed.

**Anticipated Impact:** The modified Destron probe yield-prediction-equation has been agreed to and adopted by producers and meat packers. The approval of the Fat-O-Meat're probe will offer a third alternative to the hog abattoirs, which are responsible for the purchase of electronic grading probes.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

## 50-AGR

**HOG CARCASS GRADING REGULATIONS, 1986 – SOW GRADES**

Because current regulations provide only two possible grades for sow carcasses, approximately 90 per cent of these carcasses are assigned the same grade. Both the Canadian Pork Council and the Canadian Meat Council agree that the sow-grading system should be improved to permit a more accurate evaluation of the commercial value of sow carcasses. In collaboration with the Canadian Meat Council and the Canadian Pork Council, Agriculture Canada will attempt to establish in the coming months, the parameters for a more extensive sow-grading system.

**Anticipated Impact:** New grades for sow carcasses, reflecting a more accurate evaluation of the

commercial value of these carcasses, will benefit hog producers and the meat packing industry. Producers are paid according to carcass grade. The distribution of money to producers would encourage the marketing of sows more closely responding to the needs of the marketplace. The meat packing industry would receive more desirable carcasses for further processing purposes. The impact on the consumer would be minimal because pork is not sold in the retail market according to grade.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27

**Expected Date of Publication:** Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

## 51-AGR

**HONEY REGULATIONS – HEALTH AND SAFETY**

The amendment will make reference to health and safety provisions of the Food and Drug Regulations as a follow-up to the Task Force Report on Program Review and the Regulatory Reform Strategy enunciated by the government in 1986.

**Anticipated Impact:** This proposal will help to provide a better food inspection system to both the Canadian industry and to consumers by reducing duplication of inspection and providing a clearer mandate to the inspection service of Agriculture Canada.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 52-AGR

**INSPECTOR'S IDENTIFICATION CERTIFICATES**

The regulations authorize the Deputy Minister of Agriculture to issue inspector's identification certificates for the purposes of the acts listed below. Amendments to a number of regulations will change

the wording to indicate that certificates of appointment or designation will be issued by the Deputy Minister rather than being signed by him. These amendments will remove the impracticality of the Deputy Minister's signing approximately 4000 inspector's certificates.

*Anticipated Impact:* There will be no impact other than to permit the use of a signature stamp or other facsimile of the Deputy Minister's signature.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27; Feeds Act, R.S.C. 1985, c. F-9; Fertilizers Act, R.S.C. 1985, c. F-10; Meat Inspection Act, S.C. 1985, c. 17; Pest Control Products Act, R.S.C. 1985, c. P-9; Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 53-AGR

### LICENSING AND ARBITRATION REGULATIONS – STATUTORY AMENDMENTS

These regulations need to be updated to reflect changes resulting from the promulgation of the Canada Agricultural Products Act on July 7, 1988. Various definitions used in the regulations and references to the former Canada Agricultural Products Standards Act of 1955 no longer correspond to these items in the new act.

*Anticipated Impact:* Bringing the regulations fully up to date with the statutory definitions and references will facilitate both their application by enforcement agencies and compliance by the affected industries.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 54-AGR

### LIVESTOCK CARCASS GRADING REGULATIONS – CONSOLIDATION

Currently there are four separate red-meat carcass-grading regulations – beef, lamb and mutton, veal and hog. In order to promote uniformity in wording and presentation when dealing with common areas of administration or procedures, the Department proposes to study the feasibility of amalgamating the four current regulations into one set.

*Anticipated Impact:* Consolidating the four livestock-grading regulations into one set should to increase uniformity between the four regulations, reduce paper burden and printing costs and facilitate client use.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 55-AGR

### MAPLE PRODUCTS REGULATIONS – HEALTH AND SAFETY

The amendment will make reference to health and safety provisions of the Food and Drug Regulations as a follow-up to the Report of the Ministerial Task Force on Program Review and the Regulatory Reform Strategy enunciated by the government in 1986.

*Anticipated Impact:* This proposal will help to provide a better food inspection system to both the Canadian industry and to consumers by reducing duplication of inspection and providing a clearer mandate to the inspection service of Agriculture Canada.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 56-AGR

**MEAT INSPECTION REGULATIONS – OVERTIME FEES**

This amendment modifies the fees charged to operators of registered establishments for hours of overtime inspection.

*Anticipated Impact:* The impact will be directly on the industry and will be limited to reflect increases in pay granted under collective agreements reached with veterinarians and primary products inspectors. These increases are anticipated to be below the level of inflation.

*Statutory Authority:* Meat Inspection Act, S.C. 1985, c. 17

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Dr. A. Anzengruber, Associate Director, Audit, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

## 57-AGR

**MEAT INSPECTION REGULATIONS – REVISION**

Passage of a new Meat Inspection Act in 1985 has led to the need for a revision of the existing regulations in some areas. In addition, a rewrite of several sections is required to correct existing errors and complexities. Some redrafting is required also as part of the effort to make commodity regulations administered by Agriculture Canada as uniform and easy to follow as possible. Rather than adopt a piecemeal approach, a complete rewrite is proposed.

*Anticipated Impact:* The impact will be mainly on the meat industry, since the regulations set out standards for registered establishments and for meat products entering interprovincial and international trade. The impact will be limited, since the essential provisions will be similar to those in effect at the present time. For those companies dealing with other agricultural commodities, adherence to a uniform approach and wording with other commodity regulations will simplify matters. Canadian consumers will continue to enjoy a supply of safe and unadulterated meat products from domestic and foreign sources.

*Statutory Authority:* Meat Inspection Act, S.C. 1985, c. 17

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Dr. A. Anzengruber, Associate Director, Audit, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

## 58-AGR

**PARI-MUTUEL BETTING SUPERVISION REGULATIONS – GENERAL**

New regulations, known as the Pari-Mutuel Betting Supervision Regulations, will replace the current Race Track Supervision Regulations, which are outdated and will be revoked. The Department will continue to fulfill its mandate to control all matters affecting pari-mutuel betting in order to protect the interests of the betting public.

*Anticipated Impact:* This initiative will simplify requirements for obtaining pari-mutuel betting permits and for operating a pari-mutuel betting facility. It will allow increased competition between associations as new marketing opportunities arise. It will reduce the areas of friction which sometimes developed because of conflicting federal and provincial jurisdictions which the current regulations have perpetuated. The current level of protection of the public from fraudulent practices in the pari-mutuel betting process will be enhanced. Extensive consultation was begun in 1986, and preliminary drafts of the new regulations were submitted to the industry for comment. All sectors of the racing industry support the direction the Department is taking in this matter.

*Statutory Authority:* Criminal Code, S.C. 1985, c. 44, s. 188

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Elizabeth Cleghorn, Acting Associate Director, Policy, Planning and Research, Race Track Division, Food Production and Inspection Branch, Agriculture Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel. (613) 998-4922

## 59-AGR

**PARI-MUTUEL BETTING SUPERVISION REGULATIONS – ROUTINE DRUG CONTROL**

The Minister of Agriculture is empowered to enact regulations governing equine drug control with respect to horses entered in races on which pari-mutuel betting is conducted. Part of this responsibility involves the maintenance of a schedule of prohibited drugs. As technology advances and new drugs are developed, it is necessary to add to, or



delete from, this schedule by an amendment to the regulations.

**Anticipated Impact:** Information is provided to all industry sectors so that they know which substances to avoid when treating horses prior to racing. There is a minor impact on trainers when new drugs are added to the schedule, because they are ultimately responsible for the condition of their horses and for ensuring a drug-free post-race analysis if their animal is chosen to be tested. The betting public can be confident that nothing which could alter a horse's performance and affect the natural outcome of a race is administered to participants in any race on which pari-mutuel betting is conducted. Consultation is regularly carried on with the Drug Advisory Committee, made up of chemists and veterinarians involved in racing. The provincial racing commissions are in favour of the control of drugs in race horses, including the maintenance of an up-to-date drug schedule, and they support the federal program in their provincial rules of racing.

**Statutory Authority:** Criminal Code, S.C. 1985, c. 44, s. 188

**Expected Date of Publication:** Unknown, but follows upon new drug approvals by the Department of Health and Welfare

**Contact:** Elizabeth Cleghorn, Acting Associate Director, Policy, Planning and Research, Race Track Division, Food Production and Inspection Branch, Agriculture Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel. (613) 998-4922

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## 60-AGR

### **PARI-MUTUEL BETTING SUPERVISION REGULATIONS – FUROSEMIDE PROGRAM**

The Minister of Agriculture is empowered to enact regulations governing equine drug control with respect to horses entered in races on which pari-mutuel betting is conducted. Various sectors of the racing industry have been promoting the idea of a controlled program for the administration of bleeder medication, i.e., furosemide, to race horses that suffer from exercise-induced pulmonary hemorrhage (EIPH). Preliminary consultation is underway and expected to be lengthy and exhaustive. Depending on the outcome, there may be a requirement for a regulatory amendment to Part V (Drug Control) of the regulations. Such an amendment would provide a uniform definition of EIPH and a standard for application of diagnostic and therapeutic procedures which can be strictly monitored under Agriculture Canada's drug-control program.

**Anticipated Impact:** The introduction of such a program would have cost implications to all segments of the industry, and to provincial and federal regulatory bodies. Since the horsemen strongly

advocate the plan, it is expected they would be prepared to absorb a large portion of the cost. Detailed cost/benefit analysis will be part of the consultation process.

**Statutory Authority:** Criminal Code, S.C. 1985, c. 44, s. 188

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter 1989, Part II, *Canada Gazette*

**Contact:** Elizabeth Cleghorn, Acting Associate Director, Policy, Planning and Research, Race Track Division, Food Production and Inspection Branch, Agriculture Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel. (613) 998-4922

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## 61-AGR

### **PEST CONTROL PRODUCTS REGULATIONS – AUTOMATIC REPORTING OF ADVERSE EFFECTS**

The Pest Control Products Act requires that pesticides registered for use in Canada meet certain criteria. It provides for regulations allowing the Minister of Agriculture to require manufacturers to submit results of scientific studies so that pesticides may be assessed according to these criteria. Present requirements only oblige manufacturers to submit study results in response to a request from the Department. The purpose of this proposal is to amend the Pest Control Products Regulations to establish the requirement for automatic reporting of a significant adverse effect of a pesticide within 30 days of the information becoming available to the registrant as a condition of registration.

**Anticipated Impact:** The amendment will clearly impose the responsibility on the manufacturer to notify the Minister promptly of any imminent hazard that a pesticide may have, thus enabling regulators to take immediate action for the protection of human health and the environment. The amendment will impose little or no significant burden on the pesticide industry as manufacturers are used to a similar requirement that exists in corresponding American regulations.

**Statutory Authority:** Pest Control Products Act, R.S.C. 1985, c. P-9

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 62-AGR

**PEST CONTROL PRODUCTS REGULATIONS – FORFEITED PRODUCT**

Currently, for seized and detained products which have been forfeited to the Crown following prosecution of the responsible party (parties), the regulations do not state that the responsibility and cost of disposal is to be borne by the party (parties), although there is authority in the act to make such a regulation. In the United States, the responsibility for disposal of forfeited products is that of the Environmental Protection Agency and has proven to be very costly. Clean-up and disposal programs have been carried out at the expense of other needed regulatory activities (e.g., re-evaluation of older pesticides). The purpose of this amendment is to clarify the responsibility for disposal of forfeited products as was recommended by the Auditor General.

*Anticipated Impact:* Since Canada is not following the American example of government responsibility for disposal costs, this amendment will not add clean-up and disposal costs to the public purse.

*Statutory Authority:* Pest Control Products Act, R.S.C. 1985, c. P-9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 63-AGR

**PEST CONTROL PRODUCTS REGULATIONS – MINOR NAME AND WORDING CHANGES**

A. Minor wording changes are required to the Pest Control Products Regulations to reflect changes that have taken place in the organization. For example, the Director is now a Director General and the organization is now the Pesticides Directorate. B. Following the recommendation of the MacLaughlin Report of 1986, the wording of the regulations which state the conditions under which the Minister may cancel or suspend registration of a control product, will be modified to make this section consistent with other related sections of the regulations.

*Anticipated Impact:* A. This amendment will serve to clarify authorities and organizational structures within the Pesticides Directorate for members of the public and industry who have contact with the Department. B. This amendment will serve to clarify

these sections and will be beneficial to all those involved in the registration process.

*Statutory Authority:* Pest Control Products Act, R.S.C. 1985, c. P-9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 64-AGR

**PEST CONTROL PRODUCTS REGULATIONS – REGISTRATION OF ACCEPTED ACTIVE INGREDIENTS**

Pesticides registration has been extended to include not only products, but the technical, active ingredient on which the products are based. Current regulations state that active ingredients accepted for use in a control product that was registered before January 1, 1984 are exempt from being registered themselves. The proposed amendment will remove this exemption to require that all active ingredients used in control products be registered. This will make it possible to recognize unregistered (unacceptable) active ingredients and to prevent their importation into Canada. It will also allow Canada to implement the Code of Conduct of the United Nations Environmental Program and the Food and Agriculture Organization which governs export of severely restricted (banned) pesticides moving in international trade.

*Anticipated Impact:* By requiring registration and pre-sale assessment of risk and safety for sources of pesticides used in Canada, this amendment will provide greater assurance of human health and environmental safety. Internationally, Canada will be seen as living up to its agreements, especially with regard to pesticide export to other countries. There will be a slight increase in the administration workload for manufacturers as they will be required to submit an application for registration indicating a registration number. Registered products will be clearly identifiable to customs officials, ending the current confusion as to what is registered and what is not.

*Statutory Authority:* Pest Control Products Act, R.S.C. 1985, c. P-9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 65-AGR

### **PEST CONTROL PRODUCTS REGULATIONS – RESEARCH PERMITS**

The purpose of this proposal is to establish, in regulation, permits and permit-granting procedures for pesticide research. Research is essential to the development and assessment of pest control products. The resulting scientific and technical information is needed to evaluate the effectiveness and safety of a product and can only be provided through well-documented research. The Pest Control Products Regulations are to be amended to define clearly conditions, regulatory rules and standards governing research.

*Anticipated Impact:* Positive impact is anticipated because the amendment will strengthen current procedures by clearly defining the regulatory requirements for pest control research in Canada. This will also serve to eliminate any potential for abuse of the process.

*Statutory Authority:* Pest Control Products Act, R.S.C. 1985, c. P-9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 66-AGR

### **PEST CONTROL PRODUCTS REGULATIONS – WOOD STAINS WITH PRESERVATIVES**

The purpose of this proposal is to deregulate exterior wood stains with preservatives for the control of surface fungal growth. Information on this group of products is now sufficient to stop the process of individual product registration. Products will, however, require compliance with established standards and labelling requirements. Product standards will be published in schedule II of the regulations, and registration will no longer be required for products that comply with these standards.

*Anticipated Impact:* Administration requirements will be reduced for registrants of wood stains with

preservatives for the control of surface fungal growth while the high standards of health and safety currently in place will be maintained by the public. Changes will also have a positive effect on consumers through standardized uses and label instructions.

*Statutory Authority:* Pest Control Products Act, R.S.C. 1985, c. P-9

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 67-AGR

### **PLANT QUARANTINE REGULATIONS – REVISION**

These revised regulations will replace the present Plant Quarantine Regulations and will prevent the introduction into Canada and the spreading from or within Canada, of injurious plant pests. The regulations will stipulate all conditions, prohibitions and restrictions governing the importation, exportation and the domestic movement of plant or other matter capable of conveying a plant pest. There will be provisions to enable the Plant Protection Division to deal with plant-pest infestations within Canada in a quick and efficient manner. These provisions will be invoked when there is the possibility of a pest infestation spreading to other areas of Canada. The regulations will stipulate the fees to be charged by Agriculture Canada for the inspection, quarantine and treatment of plant or other matter (as defined in the Plant Quarantine Act). There will be no sunset provisions.

*Anticipated Impact:* These revised regulations should prevent the introduction or spreading within Canada of injurious plant pests. They will also indicate to foreign countries Canada's continued desire to control or eradicate plant-pest infestations within Canada and thereby prevent the transmission from Canada of any plant pests of economic importance to Canada's trading partners. Regulations pertaining to the fees charged by Agriculture Canada will have a definite impact on the Department's clientele, since the fees will be increased where possible, to recover 100 per cent of the Department's operating costs. The fees will vary depending on the outcome of negotiations with the private sector. Provisions enabling the Plant Protection Division to deal with plant-pest infestations will have an economic impact on the owner or occupier of the infested property or premises in question. These provisions will directly or indirectly restrict or prohibit the sale or the



disposition of any plant or other matter within an area described in a ministerial order made pursuant to section 8 of the Plant Quarantine Act. The benefits of these regulations are expected to exceed administrative costs. For example, the introduction into Canada of an exotic pest can, in the long run, cost thousands of dollars to control or eradicate. Other benefits, largely in terms of jobs to Canadians, will be derived from the protection of Canadian agricultural and forestry resources and the securing of export markets.

*Statutory Authority:* Plant Quarantine Act, R.S.C. 1985, c. P-15

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Coates Milne, Director, Plant Protection Division, Plant Health Directorate, Food Production and Inspection Branch, Agriculture Canada, K.W. Neatby Building, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900

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#### 68-AGR

### PROCESSED EGG REGULATIONS – PRODUCT STANDARDS

As a result of requests from the industry, the following product changes are proposed: (i) the reduction of the percentage of egg solids required in processed whole-egg mixtures; and (ii) the development of a new type of product to be known as "egg product" which will permit the inclusion of other food ingredients into graded processed egg-products.

*Anticipated Impact:* In recent years, the solids content in shell eggs has gradually although slightly, declined. By reducing the percentage of egg solids required in processed whole-egg mixtures, the processing industry will be able to rely more on the current inherent quality of shell eggs used for processing purposes than on fortifying the mixture in order to increase the solids content. This is supported by a reduction in U.S. standards for similar reasons. The development of a new kind of processed egg-product called "egg product" will permit the industry to add other ingredients requested by the users and still have the right to apply a Canada grade name.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Art Allen, Chief, Egg and Egg Products, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of

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#### 69-AGR

### PROCESSED POULTRY REGULATIONS – MINOR REVISIONS

This amendment is to make definition descriptions consistent with other inspection or commodity regulations. Minor changes have been made to the poultry grade standards and marking sections for greater clarity, interpretation and application as well as to correct minor errors. The amendment also provides some minor changes in inspection and certification procedures and creates more equitable application of marking requirements on imported poultry products with Canadian requirements.

*Anticipated Impact:* The impact will be minimal to the industry and will be positive in nature because it responds to industry concerns on clarity and uniformity of application.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 70-AGR

### PROCESSED PRODUCTS REGULATIONS – FOREIGN PLANT INSPECTION

The amendment will require that food products be imported only from countries having standards and systems of inspection essentially equivalent to those in Canada, and that they be prepared and processed in establishments that maintain standards equivalent to the standards required in Canada.

*Anticipated impact:* This proposed regulation is being developed in the interests of fairness and equivalency to the Canadian system. It will ensure Canadian consumers safe and wholesome products from foreign sources and prohibit the importation of food products from countries which do not have an inspection system equivalent to that of Canada. On the other hand, it will encourage those countries wishing to gain access to the Canadian market to provide a good system of inspection and grading.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 71-AGR

### **PROCESSED PRODUCTS REGULATIONS – FROZEN BLUEBERRIES, GRADE STANDARDS**

The amendment will revise frozen-blueberry grade standards and labelling requirements.

*Anticipated Impact:* This amendment should facilitate international trade, especially with the European market. Some adaptation of the Canadian industry to the new standards will be necessary. Certain labelling requirements will become optional, and therefore will be easier to meet.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 72-AGR

### **PROCESSED PRODUCTS REGULATIONS – HEALTH AND SAFETY**

The amendment will make reference to health and safety provisions of the Food and Drug Regulations as a follow-up to the Ministerial Task Force Report on Program Review and the Regulatory Reform Strategy enunciated by the government in 1986.

*Anticipated Impact:* This proposal will help to provide a better food inspection system to the Canadian industry and to consumers by reducing duplication of inspection and providing a clearer mandate to the inspection service of Agriculture Canada.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 73-AGR

### **PROCESSED PRODUCTS REGULATIONS – VARIOUS AMENDMENTS**

The regulations need to be updated to accommodate new technology, new trade practices or new needs identified by segments of the food industry, including revision of grade standards for maraschino cherries and canned tomatoes; revision of the standards of identity for jam and similar products; addition of a definition for whole canned carrots; revision of container sizes for canned vegetables and apple sauce; revision of the detention period and update of labelling requirements. Following the promulgation of the new Canada Agricultural Products Act, housekeeping amendments will be required. Also, after the signing of the Free Trade Agreement, further updates and revisions may be necessary, e.g., revision of container sizes.

*Anticipated Impact:* The proposals will result in more relevant and meaningful grade or identity standards. They should facilitate marketing of food products and the introduction of new trade practices. Updating the regulations will facilitate compliance and enforcement of these regulations.

*Statutory Authority:* Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 74-AGR

### **PROCESSED PRODUCTS REGULATIONS – WILD RICE**

In response to a request from the Canadian Wild Rice Council to establish standards for wild rice, the Department responded with draft regulations making grade standards under the Processed Products Regulations, Canada Agricultural Products Act. These regulations would prescribe two Canada grade standards for wild rice based upon criteria of colour, sizing, moisture, aroma and cleanliness. Within the Canada A grade, there would be three size classifications – medium, large and extra large, while wild rice of Canada B quality would be used exclusively for further processing purposes. The use of these grade standards would be optional, but



any product bearing the Canada grade designation would have to comply with the prescribed standards.

**Anticipated Impact:** The establishment of grade standards for wild rice is expected to encourage greater uniformity in product quality as well as stabilize and enhance financial returns to this industry. A more positive image should result for Canadian lake wild rice where it is in competition with paddy wild rice produced in other countries, since the Canada grade name would be applicable only in the case of lake rice, which is the major source of production in Canada. Buyers of Canadian wild rice will identify with this product a quality image born of the Canada grade name which will give assurance of consistent, uniform high quality. Better prices and increased sales of Canadian wild rice could also encourage growth in this industry.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27, s. 32

**Expected Date of Publication:** First Quarter 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 75-AGR

### RACE TRACK SUPERVISION REGULATIONS – THEATRE BETTING

While the Criminal Code prohibits gaming and betting in general, section 188 of the act allows an exception for pari-mutuel betting on horse races carried on under the supervision of the Minister of Agriculture on the grounds of a race track as well as for bets made by telephone to the race course of an association in accordance with the regulations. Currently, a bill to amend the Criminal Code is before the House of Commons to legalize betting on horse races when the races are shown, and the betting is conducted by a racing association in a theatre off the grounds of a race course, provided the betting is done under the supervision of the Minister of Agriculture. It will be necessary to implement regulations to control theatre betting as soon as possible after the amendment is enacted.

**Anticipated Impact:** Promoted by the racing industry, this initiative will do much to offset the erosion of the economic base of horse racing caused in recent years by the increasing popularity of lotteries. It will make racing and pari-mutuel betting available to bettors at locations removed from the live racing at the tracks, thus expanding the patron base of the industry and reducing illegal betting through bookmakers. The introduction of betting theatres could contribute toward job creation, and generate increased tax revenue for the

provinces. Increased profits could provide richer purses for races and encourage new participants to enter the industry, which in turn could benefit the horse breeders.

**Statutory Authority:** Criminal Code, S.C. 1985, c. 44, s. 188

**Expected Date of Publication:** Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 76-AGR

### SEED POTATOES REGULATIONS – REVISION

In 1983, a National Advisory Committee on Seed Potato Certification initiated a revision of the Seed Potato Regulations of the Seeds Act to update it according to modern technology and to provide for the introduction of cost recovery. The regulations will be rewritten according to the present legal requirements. Garden and novelty varieties will be excluded from the regulations which will provide for new or additional conditions for crop inspections, for example, seed used to reproduce seed shall be tested for bacterial ring rot before planting, the cut-off date for application for inspection, would be set etc. Also included will be provisions to revoke the crop certification certificate, provision for specific conditions under which seed potatoes shall be stored, and provisions to improve the marketing of seed potatoes by requiring more information on official tags, specific packaging, etc. The standards for the classes of seed will be amended to strengthen in some cases, and to lower in other cases, the disease tolerances and conditions of production depending on the classes. Interpretation of tuber standards are described in an easier manner.

**Anticipated Impact:** These regulations will stipulate the fees to be charged by Agriculture Canada for the inspections for seed potato certification. There will be provision for means of control of bacterial ring rot disease within Canada in conjunction with an eradication program to be established under the Plant Quarantine Act. There shall be provision to allow the importation of seeds of non-registered varieties for the purpose of multiplication for special export markets and growers' own use. Such a provision will be positive for the growers. The regulations, by providing for high phytosanitary quality standards for the classes of seeds and tubers, will ensure that Canadian seed potatoes strengthen their position of quality on the national and the international markets.



*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 77-AGR

### SEEDS REGULATIONS – COST RECOVERY, ROUND THREE

Changes to the fees schedule may be required in order to implement any fee increases agreed to during round three, cost recovery.

*Anticipated Impact:* Fees for seed inspection activities will increase in accordance with government policy on cost recovery. Pedigreed seed production costs will increase slightly.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 78-AGR

### SEEDS REGULATIONS – IMPORTATION REQUIREMENTS AND PROCEDURES

The present regulations governing the importation of seeds into Canada need to be changed to clarify importation requirements and procedures. The changes will result in better control of importation of unregistered varieties and will simplify and clarify testing requirements, bonding procedures and seed-release mechanisms.

*Anticipated Impact:* The regulations will simplify and clarify import requirements and procedures while allowing for better detection and control of importation of inferior quality seed and unregistered varieties. All seed industry groups and provincial governments have expressed strong support for these changes.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 79-AGR

### SEEDS REGULATIONS – MINOR REVISIONS

Amendments are needed to make minor housekeeping changes, including the revoking of outdated regulations, recognition of standards and procedures currently used administratively, minor labeling changes, re-writing certain sections to simplify and clarify intent, typing errors, etc. These will serve to clarify and update the regulations with only minor changes in substance.

*Anticipated Impact:* Because the changes are of a housekeeping nature, the impact will be negligible. In the interest of good public relations, the seed industry and provincial governments will be informed of these changes, and concerns, if any, will be addressed.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 80-AGR

### SEEDS REGULATIONS – STANDARDS

Changes to the grade tables of the regulations are required in order to include additional grades and species, modify other grades and to remove discrepancies, correct mistakes, etc.

*Anticipated Impact:* These amendments will update the grade tables better to reflect recent trends and current requirements of the seed industry.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* W. T. Bradnock, Director, Seed Division, Food Production and Inspection Branch, Agriculture Canada, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900

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81-AGR**SEEDS REGULATIONS – STANDARDS FOR SEED-BORNE DISEASES**

The Seeds Act provides authority for the Governor in Council to establish standards for diseases that affect the quality of seed and the yield of crops. Presently, the regulations contain standards for only a few diseases, whereas a large number of other diseases are either unregulated or handled by administrative procedures. A review of seed-borne diseases is currently underway and is expected to continue for the next five years or more. It is likely that standards for some diseases will be proposed in 1989.

*Anticipated Impact:* There will be close consultation with the seed industry, universities, plant pathologists and provincial departments of agriculture. Since new disease standards will affect domestic and international sale of seed, new disease standards will have to be considered in light of cost/benefit considerations.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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82-AGR**SEEDS REGULATIONS – TESTING BEFORE SALE**

The Seeds Regulations presently require that all seeds sold in Canada meet minimum quality requirements at the time of sale. There is also a requirement that sellers furnish buyers, upon request, with full details of the analytical results of the seed tests in order to ensure that seed buyers receive acceptable quality seed and can learn all details pertaining to quality. There is, however, no requirement in the regulations that seed should be tested prior to sale, although this is inferred. There is also no requirement that such tests be officially recognized or that analysis be carried out by recognized seed analysts. The amendments will require that seed tests be done by recognized analysts using recognized methods.

*Anticipated Impact:* The seed industry and provincial governments will be closely consulted before this change is introduced. The adoption of recognized private tests to determine seed quality will serve to protect the liability of sellers and is the normal practice in trade. Consequently, strong support is expected.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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83-AGR**SEEDS REGULATIONS – VARIETY REGISTRATION**

In August 1986, regulations for registration of crop varieties were introduced to replace the old system of prescription of varieties by ministerial order. Variety registration is to ensure that varieties sold in Canada have agronomic merit based on tests conducted and recommendations made by recognized crop testing committees. The regulations are currently being reviewed by an advisory committee which is expected to make several recommendations to change or clarify procedures such as the review process where a variety is refused registration. Implementation of the recommendations of the advisory committee will require changes to the regulations.

*Anticipated Impact:* The changes or clarifications to the registration procedures will remove some of the present confusion which exists in the seed industry. The seed industry has asked for these changes or clarifications and is being consulted to obtain a consensus. There is strong support from all seed industry groups.

*Statutory Authority:* Seeds Act, R.S.C. 1985, c. S-8

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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84-AGR**UNIFORM REGULATIONS**

Work has been going on since 1986 to bring uniformity to regulations administered by the Food Production and Inspection Branch. The objective is to provide uniformity of requirements and terminology wherever possible, such as in definitions, designation of inspectors, seizure and detention, registration of establishments and in other common



areas of the Branch's regulations. It is intended that this work will continue wherever possible, and the development of a common interpretation and administration regulation has been proposed as one means to attain uniformity. The result will be the revocation of those common areas of the regulations that adopt by reference an interpretation and administration regulation.

**Anticipated Impact:** These changes will bring uniformity of wording and similarity of content and format to the regulations, wherever possible. This will make the regulations easier to understand and common themes easier to locate for the general public and affected industries. Departmental staff, especially those involved in cross-utilization between activities, will also find this will simplify their task of interpreting and applying regulations. The preparation of an interpretation and administration regulation will make it easier for the general public and affected industries to locate regulatory requirements that are common to different commodity groups. This initiative espouses the concept underlying the Citizens' Code of Regulatory Fairness, and could realize a decrease in the number of pages of regulations administered by the Branch.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 85-AGR

### VEAL CARCASS GRADING REGULATIONS – COLOUR AND WEIGHT

The current regulations specify a maximum weight for veal carcasses and colour standards to identify veal carcass muscle-colour. Concern has been expressed by various segments of the veal industry that carcass weights should be increased, and that the colour standards should be adjusted in order to differentiate more accurately between red veal and white veal. Agriculture Canada will review research results available, and if consensus is obtained, will amend the regulations accordingly.

**Anticipated Impact:** Increasing the maximum allowable carcass weight would permit more efficient production and lower marketing per-unit-weight costs. Changing the colour standards could facilitate veal marketing and increase consumer confidence in the type of veal being purchased.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27

**Expected Date of Publication:** Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433

#### 86-AGR

### VEAL CARCASS GRADING REGULATIONS – GRADE STAMPING

Currently veal carcasses may be graded with the hide still on the carcass. The grade stamp is applied on each brisket and is re-applied after the carcass is skinned. The advisory committee on veal grading has recommended that re-stamping be optional instead of mandatory to facilitate the marketing of veal carcasses. Agriculture Canada will amend the regulations accordingly.

**Anticipated Impact:** Optional re-stamping will improve the marketing efficiency of veal carcasses for the meat packing industry. Consumers will not be affected negatively since the original grade stamp will be on the brisket.

**Statutory Authority:** Canada Agricultural Products Act, S.C. 1988, c. 27

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 87-AGR

### CANADIAN WHEAT BOARD REGULATIONS – CARRYING COST ADJUSTMENT, PRODUCER CARS

Bill C-92, an Act to Amend the Canadian Wheat Board Act, received third reading in the House of Commons in July 1988. The amendments will, inter alia, allow the Canadian Wheat Board (CWB) to make payments to producer-car shippers. The payments, which will reflect reduced carrying costs for such shipments, will be specified annually by regulation.

**Anticipated Impact:** Producers shipping grain in producer cars will realize a larger cash return which will reflect more closely the relative carrying cost of



shipping by producer-loaded rail cars. The payments will be taken from the pooled proceeds of CWB selling operations and will thus have a small negative impact on the relative cash returns of those producers shipping through the primary elevator system.

*Statutory Authority:* Canadian Wheat Board Act, R.S.C. 1985, c. C-24

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter 1989, *Canada Gazette*, Part II

*Contact:* Director, Market and Policy Analysis Division, Grain Marketing Bureau, Grains and Oilseeds Branch, Agriculture Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5.  
Tel. (613) 996-8324

88-AGR

#### **CANADIAN WHEAT BOARD REGULATIONS – INITIAL PAYMENTS**

Initial payments received by grain producers upon delivery of Canadian Wheat Board (CWB) grains are guaranteed by the government. Initial payments for the six base grades are fixed annually by regulation.

*Anticipated Impact:* Initial payments determine the level of payment received by producers on delivery and thus may have a bearing on the income of Western grain producers. Fixed in relation to expected market returns, they represent guaranteed floor prices for deliveries during the crop year, with any surpluses on CWB pooling operations subsequently distributed to producers as final payments.

*Statutory Authority:* Canadian Wheat Board Act, R.S.C. 1985, c. C-24, s.25

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Market and Policy Analysis Division, Grain Marketing Bureau, Grains and Oilseeds Branch, Agriculture Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5.  
Tel. (613) 996-8324

89-AGR

#### **WESTERN GRAIN STABILIZATION REGULATIONS – ENDORSEMENT IN PERMIT BOOK, ASSIGNMENT OF RIGHTS, DESIGNATED PURCHASERS AND PRESCRIPTION OF SEED SECTIONS**

Bill C-132, an Act to Amend the Western Grain Stabilization Act, received second reading in the

Senate in July 1988. The amendments to the act removed those sections which prescribed the above regulations by Governor in Council and replaced them with amended sections specifying ministerial approval of terms, conditions and forms.

*Anticipated Impact:* The removal of Endorsement in Permit Book and Assignment of Rights sections from the regulations is not expected to have any impact, while the Prescription of Seed section is redundant because the only seed prescribed is domestic mustard seed which will be named in the amended act. The act will still contain provisions to prescribe additional seeds by Governor in Council. The terms and conditions that will replace the regulations in the Designated Purchasers section will permit more persons to become designated purchasers under the act and thus will increase the grain sale proceeds that will be eligible for participation in the Western Grain Stabilization Program.

*Statutory Authority:* Western Grain Stabilization Act, R.S.C. 1985, c. W-7

*Expected Date of Publication:* Fourth Quarter 1988, Part I, *Canada Gazette*; First Quarter 1989, Part II, *Canada Gazette*

*Contact:* Director, Program Coordination, Priorities and Strategies Directorate, Grains and Oilseeds Branch, Agriculture Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5.  
Tel. (613) 996-4913

90-AGR

#### **BEEF AND VEAL IMPORT RESTRICTION ORDER**

The Meat Import Act (MIA), which came into force February 11, 1982, provides authority to regulate the importation into Canada of fresh, chilled and frozen beef and veal, and to that effect, amends the Export and Import Permits Act. The Minister of Agriculture, with the concurrence of the Secretary of State for External Affairs, may establish restrictions that he considers appropriate, on the quantity of beef and veal that may be imported into Canada, in accordance with the formula set out in the schedule of the act.

*Anticipated Impact:* The establishment of restrictions (if required) is designed to protect the Canadian beef producer from significant surges in imports of beef. Because of the way the act is written, it is necessary to invoke the MIA and immediately suspend it in December 1989 if the government wishes to use it for a time period in 1990 other than the full year. Any quotas or restrictions on imported beef will be set in accordance with the formula calculations, with our GATT commitments and, (as a result of the Canada/US Free Trade Agreement, will exempt U.S. products from any restrictions.

*Statutory Authority:* Meat Import Act, R.S.C. 1985, c. M-3

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* International Trade Policy, Agriculture Canada, Room 769A, Sir John Carling Building, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel. (613) 995-7586

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#### 91-AGR

### **AGRICULTURAL STABILIZATION ACT – PRESCRIBED PRICES**

Pursuant to the Agricultural Stabilization Act, there are several regulations which give authority to prescribe prices for designated commodities and for named commodities above the 90 per cent level. The Governor in Council may designate agricultural commodities, other than named commodities which already appear in the act, for stabilization payment at a percentage of the five-year average market price. This price is prescribed by the Governor in Council and adjusted for cash cost of production changes. The Governor in Council may prescribe a price at a percentage higher than 90 per cent for any named commodity. In both cases, the authority is provided by regulations. Stabilization payments at the prescribed prices are funded from annual appropriation by Parliament and are established by an order-in-council. Approximately 15 regulations are expected to be processed during the 1989 calendar year.

*Anticipated Impact:* This amendment will assist in stabilizing producers' income when farm receipts of a particular commodity fall significantly, or when input costs have risen at a faster rate than the market price.

*Statutory Authority:* Agricultural Stabilization Act, R.S.C. 1985, c. A-8

*Expected Date of Publication:* As required

*Contact:* A.E. Proulx, Secretary-Manager, Agricultural Stabilization Board, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel. (613) 995-5880

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#### 92-AGR

### **FARM IMPROVEMENT AND MARKETING CO-OPERATIVES LOANS REGULATIONS – CLARIFICATION**

The Farm Improvement and Marketing Co-operatives Loans Act (FIMCLA) was enacted in June 1987 and replaced the Farm Improvement Loans Act (FILA) on February 1st, 1988. The FIMCLA expands upon the FILA by allowing

producer-owned processing, distributing and marketing co-operatives to benefit from the legislation. Other changes were also made. After six months of operation, it has become apparent that certain sections of the regulations will have to be deleted or amended in order to clarify the act and regulations, and to facilitate implementation.

*Anticipated Impact:* Many lenders have expressed concern over the ambiguity of certain sections of the legislation and the related regulations. As a result, some lenders are not issuing as many loans as ordinarily would be the case. To June 30, 1988, loans are down by approximately 27 per cent over the same period of the last calendar year. It is anticipated that these amendments will clarify the intent of certain sections of the act and regulations, provide clearer guidelines to be followed by lenders, and increase farmer use of the FIMCLA.

*Statutory Authority:* Farm Improvement and Marketing Co-operatives Loans Act, S.C. 1987, c. 31

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Legislated Marketing Programs Division, Policy Branch, Agriculture Canada, Ottawa, Ontario, K1A 0C5. Tel. (613) 995-5880

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#### 93-AGR

### **PRAIRIE FARM REHABILITATION ADMINISTRATION – SERVICE FEES**

Currently, charges associated with Prairie Farm Rehabilitation Administration (PFRA) community pasture and irrigation project services are established by the Minister of Agriculture under section 9(1)(a) of the Prairie Farm Rehabilitation Act. The Department has been advised by legal counsel that it would be preferable to treat these charges as fees covered by the provisions of section 13 of the Financial Administration Act (FAA). A delegation of authority to prescribe fees from the Governor in Council to the Minister of Agriculture will be requested under section 13(b) of the Financial Administration Act.

*Anticipated Impact:* The authority to prescribe fees under section 13(b) of the FAA will have no impact on social or economic costs and benefits.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.P. Baldwin, Manager, Field Operations Division, PFRA, Motherwell Building, Regina, Saskatchewan, S4P 0R5. Tel. (306) 780-5154



# CANADA MORTGAGE AND HOUSING CORPORATION

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## Roles and Responsibilities

Canada Mortgage and Housing Corporation (CMHC) is a federal Crown corporation. It was established by the Central Mortgage and Housing Corporation Act in 1946, to centralize under one organization, the administration of the Housing Acts of 1935, 1938 and 1944 which had been administered by the Minister of Finance.

The principal role of the Corporation continues to be the administration of the National Housing Act. Under the present act the basic functions of the Corporation are: the provision of mortgage loan insurance; the guaranteeing of timely payment of mortgage-backed securities issued by an approved issuer, the administration of the Mortgage Loan Insurance, Mortgage-Backed Securities Guarantee, Rental Guarantee and Home Improvement Loan Funds established pursuant to the act; the administration and delivery of various government housing construction loan, contribution, subsidy and loan guarantee programs; research into housing conditions, community planning and other activities in support of CMHC's mandate; administration of loans, investments and other assets of the Corporation; and the provision of certain technical services to other federal departments and agencies and to approved home warranty programs.

Active government programs include: Residential Rehabilitation Assistance Program, Rent Supplement, Co-operative Housing, Private and Public Non-Profit, Urban Native, Section 40 Public Housing, Rural and Native Housing, Section 59 INAC Homeowner and Rental Loans, Part V Program Support and Emergency Repair Programs.

Government programs are either delivered by CMHC or by a province or territory subject to a cost-sharing arrangement entered into with CMHC. The Federal Co-operative Housing Program is delivered exclusively by CMHC. Since 1986, in addition to joint programs such as the Federal Provincial Public Housing Program, a province or territory can deliver most government housing programs.

Regulations made pursuant to the National Housing Act are contained in the National Housing Loan Regulations. The regulations are enabling in nature, providing for program detail not contained in the act.

## Legislative Mandate

The following legislation is administered by CMHC:

National Housing Act

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### 94-CMHC

#### MORTGAGE-BACKED SECURITIES PROGRAM

A Cabinet decision in 1987 authorized the creation of a mortgage-backed securities guarantee fund to record all transactions related to mortgage-backed securities (MBS). Program improvements are anticipated in light of program acceptance and market circumstances.

*Anticipated Impact:* The proposed improvements will result in the establishment of improved accountability and operation of the program on a commercial basis. More MBS will be issued.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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### 95-CMHC

#### WAIVER OF FIRE AND PROPERTY INSURANCE REQUIREMENT – APPROVED LENDER LOANS

The amendment will allow lenders to waive the fire and property insurance requirement for borrowers (with the prior approval of CMHC) in receipt of social housing assistance.

*Anticipated Impact:* This amendment could result in savings to the federal government. No impact is anticipated in the social and political areas.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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### 96-CMHC

#### NATIONAL HOUSING LOAN REGULATIONS – AMENDMENTS

The proposed regulations are a collection of amendments to existing regulations. They include: amendments consequent upon statutory revision, compliance with requests of the Standing Joint Committee for the Scrutiny of Regulations, modernization of language, correction of errors, improvement in form and elimination of unnecessary



provisions. The amendments represent no policy changes.

*Anticipated Impact:* These are administrative changes.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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amendments will be sought from provincial and territorial governments and interest groups.

*Anticipated Impact:* There will be a potential impact on homeowners, landlords, financial institutions and the renovation industry.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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## 97-CMHC MORTGAGE LOAN INSURANCE PROGRAM

Legislation changes in 1988 require regulatory changes to implement improvements to the public mortgage loan insurance program. No sunset provisions are anticipated. The new National Housing Act (NHA) insurance initiatives approved by Cabinet in 1987 are consistent with the majority view expressed in extensive public consultations. The new default management and claim payment initiatives will allow much needed flexibility to streamline the process thus improving service to our clientele. Program improvements are anticipated in light of program acceptance and market circumstances.

*Anticipated Impact:* It is expected that the amendments will have an impact on all Canadian households, financial institutions and the residential-construction industry. The objective is to achieve equal access to NHA-insured financing by all borrowers within the constraint of a financially self-sufficient program and to reduce the cost to the Mortgage Insurance Fund by eliminating unnecessary delays.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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## 98-CMHC RESIDENTIAL RENOVATION POLICY

Policy changes may be required to encourage Canadians to undertake repairs and improvements to their housing. Proposed regulations would be the consequence of such an initiative. Views on the

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## 99-CMHC ON-RESERVE HOUSING PROGRAMS

Changes may be required in light of the recommendations presented in a current review of housing policy on Indian reserves headed by Indian Affairs and Northern Development Canada. In addition, there are some minor problems with the wording of some portions of the regulations because of the changing status of Indian lands consistent with the development of self-government. There will be full consultation with Indian organizations.

*Anticipated Impact:* These proposed changes will potentially affect the delivery of housing programs on reserves.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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## 100-CMHC PUBLIC HOUSING REGENERATION

Changes may be required to facilitate the regeneration of public housing. Views on any amendments will be sought from provincial and territorial governments and interest groups.

*Anticipated Impact:* Potential policy, social or financial impact on federal-provincial relations, public housing tenants, municipalities and on the construction and renovation industry is expected.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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#### 101-CMHC

### **CHANGE IN LIMITS ON PROPOSAL DEVELOPMENT FUNDING LOANS UNDER SECTION 37.1 NHA**

It is intended that the \$75 000 limit per National Housing Loan (NHL) Regulation 85.7 on loans under section 37.1 NHA be increased so as to permit loans which are consistent with current costs and which reflect the scale and complexity of proposals, with subsequent limits to be established on a policy and budget submission basis. The change has been requested by client groups, including the Co-operative Housing Foundation of Canada. Views will be sought from provincial and territorial governments, and budgetary impact will be reviewed with appropriate federal agencies.

*Anticipated Impact:* Fewer non-profit and co-operative groups would experience problems during the proposal development stage of a housing project. The financial impact would be minimal since the loans are recovered after project commitment, and the increase in interest costs would likely be offset by reduced write-offs of loans on proposals which could not proceed to commitment. Implementation would follow a 1988 budget submission.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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#### 102-CMHC

### **SURPLUSES ON ASSISTED NON-PROFIT HOUSING PROGRAMS**

Changes will be proposed to control the disposition of surpluses in later years of a project which has received government assistance. This change is consistent with requests of several provincial governments which share costs in the programs. Views will be sought from other governments and interest groups.

*Anticipated Impact:* It is expected that controls will enhance the cost effectiveness of the programs.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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#### 103-CMHC

### **NHA LOAN INSURANCE APPLICATION FEE REQUIREMENTS FOR NON-PROFIT AND CO-OP PROJECTS**

An exemption to the requirement under regulation 5(1), National Housing Loan Regulations, that application fees be paid on the submission of a "Request - Undertaking to Insure" is desirable for non-profit and co-operative groups having no equity, on the condition the fee be paid out of a first advance of mortgage funds. This exemption has been requested by some client groups. Views on the amendment will be sought from provincial, territorial and municipal governments and interest groups.

*Anticipated Impact:* This change will facilitate access of exempted groups to federal and federal/provincial/territorial housing programs, and reduce demands for Proposal Development Funding Loans provided under section 37.1 of the NHA.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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#### 104-CMHC

### **BINDING ASSISTED HOUSING TO ITS INTENDED PURPOSES**

CMHC is requesting legislation to bind non-profit and co-operative housing projects assisted under section 56.1 NHA to the purposes of the programs for the life of operational agreements. Views will be sought from provincial and municipal governments and interest groups.

*Anticipated Impact:* The change will reinforce CMHC's efforts, through operating agreement provisions, to enforce the intents of programs with



respect to the non-profit or not-for-profit character of assisted projects.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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#### 105-CMHC

### HOUSING FOR ELDERLY PEOPLE

The amendments to the National Housing Act will facilitate the increased use of home equity conversion schemes and other innovative housing finance or tenure options for elderly people in the marketplace. No sunset provisions are anticipated. This initiative is a follow-up to the October 1988 Conference on Housing Options for Older Canadians sponsored by CMHC.

*Anticipated Impact:* The amendments will raise consumer awareness in innovative housing finance and tenure choices for elderly people and create business opportunities for the house-building industry and financial institutions.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

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#### 106-CMHC

### RURAL AND NATIVE HOUSING

The Rural and Native Housing Programs are now being evaluated by CMHC. New rural housing policies and programs may be implemented after a public consultation is held on issues and options relating to core housing needs in rural areas. This consultation is to take place in 1989.

*Anticipated Impact:* If public consultation reveals a need to change rural and native housing programs, then the nature of assistance offered to rural households might be altered. The current programs include payment geared to income rental and ownership programs, emergency repair grants and residential rehabilitation assistance.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 107-CMHC

### HOUSING QUALITY

A public consultation will be conducted in the fall of 1988 to identify the issues related to housing quality and what strategies should be followed to deal with these issues, including CMHC's role.

*Anticipated Impact:* The changes will affect the essential attributes of housing in Canada – health and safety, durability, liveability, adaptability, marketability, and economy of operation. The changes could affect both housing consumers and producers.

*Statutory Authority:* National Housing Act, R.S.C. 1985, c. N-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* D. Tyler, Chief Solicitor, Legal Division, CMHC National Office, 682 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2892

# CANADA OIL AND GAS LANDS ADMINISTRATION

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## Roles and Responsibilities

The Canada Oil and Gas Lands Administration (COGLA), an agency reporting to both the Minister of Indian Affairs and Northern Development and the Minister of Energy, Mines and Resources, is responsible for regulating hydrocarbon exploration and development on Canada's frontier lands, except offshore Newfoundland. The Canada-Newfoundland Offshore Petroleum Board is responsible for regulating petroleum activities in the Newfoundland and Labrador offshore area with operational responsibility since 1986.

COGLA is the federal government's principal contact with the oil and gas industry in matters relating to the regulation of oil and gas activity on Canada's frontier lands which include the Yukon Territory, the Northwest Territories, Hudson Bay and most of the country's offshore areas. A new Canada-Nova Scotia Offshore Petroleum Board with operational responsibilities in the Nova Scotia offshore will be established following passage of legislation implementing the Canada-Nova Scotia Accord.

COGLA's prime responsibility is to regulate the exploration for, and the development and production of, oil and gas on Canada's frontier lands in a manner that ensures safety of the worker, effective resource conservation, protection of the environment, and full and fair access by Canadians to the benefits arising from activities related to the development of hydrocarbon resources.

## Legislative Mandate

The statutes relating to frontier lands administered by COGLA include:

- Canada Petroleum Resources Act
- Oil and Gas Production and Conservation Act
- Canada-Newfoundland Atlantic Accord Implementation Act
- Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act
- Public Lands Grants Act

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### 108-COGLA NEWFOUNDLAND OFFSHORE AREA OIL AND GAS DRILLING

These regulations are based on similar federal regulations that were first promulgated in 1979 under the Oil and Gas Production and Conservation Act (OGPCA). They set out the regulatory requirements that operators must follow if they wish to undertake drilling operations in the frontier lands. When the Canada-Newfoundland Atlantic Accord Implementation Act (C-NAAIA) came into effect early in 1987, the regulations passed under the authority of

the OGPCA were no longer effective in the Newfoundland offshore area. Therefore, it is necessary to promulgate this Newfoundland area version of the regulations providing equivalent safeguards under the C-NAAIA.

*Anticipated Impact:* As these proposed regulations impose the same standards as those found in the existing Canada Oil and Gas Drilling Regulations which applied to offshore Newfoundland since 1978, there will be no incremental impact on the petroleum industry.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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### 109-COGLA NOVA SCOTIA OFFSHORE PETROLEUM DRILLING

These regulations are based on similar federal regulations that were first promulgated in 1979 under the Oil and Gas Production and Conservation Act (OGPCA). They set out the regulatory requirements that operators must follow if they wish to undertake drilling operations in the frontier lands. When the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act came into effect, the regulations passed under the authority of the OGPCA were no longer effective in the Nova Scotia offshore area. Therefore, it is necessary to promulgate this Nova Scotia area version of the regulations providing equivalent safeguards under the act.

*Anticipated Impact:* As these proposed regulations impose the same standards as those found in the existing Canada Oil and Gas Drilling Regulations which applied to offshore Nova Scotia since 1978, there will be no incremental impact on the petroleum industry.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760



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110-COGLA**CANADA OIL AND GAS PRODUCTION AND CONSERVATION**

These regulations establish minimum requirements for all persons engaged in the development and production of oil and gas on frontier lands, including those for approvals and authorizations and with data requirements at the development stage as well as those at the operations stage when a field is in production. Requirements with regard to conservation of resources, metering and testing of fluids produced from and injected into a well, design and construction of oil and gas processing facilities, production operations, environmental protection, safety and training of personnel and the reporting of production, environmental and safety data to the government are also specified in the regulations.

*Anticipated Impact:* Production operations or conservation practices will not be affected when these regulations are promulgated as the industry has complied with a draft version since 1978. The regulations will not generate additional financial costs and therefore, have no detrimental impact. The regulations will have a positive impact by creating certainty for industry and establishing criteria for development and production.

*Statutory Authority:* Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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111-COGLA**NEWFOUNDLAND OFFSHORE AREA OIL AND GAS PRODUCTION AND CONSERVATION**

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations undertaken for the production of oil and gas. The proposed regulations will provide specifically for the authorization, regulation and the safety of production operations in the Newfoundland offshore area.

*Anticipated Impact:* Production operations or conservation practices will not be affected when these regulations are promulgated as the industry has complied with a draft version since 1978. The regulations will not generate additional financial costs and therefore, will have no detrimental impact.

The regulations will have a positive impact by creating certainty for industry and establishing criteria for development and production.

*Statutory Authority:* The Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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112-COGLA**NOVA SCOTIA OFFSHORE PETROLEUM PRODUCTION AND CONSERVATION**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations undertaken for the production of oil and gas. The proposed regulations will provide specifically for the authorization, regulation and the safety of production operations in the Nova Scotia offshore area.

*Anticipated Impact:* Production operations or conservation practices will not be affected when these regulations are promulgated as the industry has complied with a draft version since 1978. The regulations will not generate additional financial costs and therefore, will have no detrimental impact. The regulations will have a positive impact by creating certainty for industry and establishing criteria for development and production.

*Statutory Authority:* The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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113-COGLA**CANADA OIL AND GAS PRODUCTION INSTALLATIONS**

The Oil and Gas Production and Conservation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the development and production of oil and

gas, in addition to allowing for regulation of the safety aspects of oil and gas activity. The proposed regulations will establish performance criteria for the various components of the superstructure to ensure that production operations will be carried out in a safe environment.

*Anticipated Impact:* The industry already adheres to the design and operating principles set out in the proposed regulations. With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Canadian offshore, by and large, the performance standards contained in the proposed regulations are similar to those adopted by most offshore oil-producing countries, with which the industry is already familiar.

*Statutory Authority:* Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 114-COGLA

### NEWFOUNDLAND OFFSHORE AREA OIL AND GAS PRODUCTION INSTALLATIONS

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the development and production of oil and gas, in addition to allowing for regulation of the safety aspects of oil and gas activity. The proposed regulations will establish performance criteria for the various components of the superstructure to ensure that production operations will be carried out in a safe environment.

*Anticipated Impact:* The proposed regulations will be, to the extent the enabling legislation permits, identical to the Canada Oil and Gas Production Installations Regulations. The industry already adheres to the design and operating principles set out in the draft Canada Oil and Gas Production Installations Regulations. With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Newfoundland offshore, by and large, the performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries, with which the industry is already familiar.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 115-COGLA

### NOVA SCOTIA OFFSHORE PETROLEUM PRODUCTION INSTALLATIONS

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the development and production of oil and gas, in addition to allowing for regulation of the safety aspects of oil and gas activity. The proposed regulations will establish performance criteria for the various components of the superstructure to ensure that production operations will be carried out in a safe environment.

*Anticipated Impact:* The proposed regulations will be, to the extent the enabling legislation permits, identical to the Canada Oil and Gas Production Installations Regulations. The industry already adheres to the design and operating principles set out in the draft Canada Oil and Gas Production Installations Regulations. With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Nova Scotia offshore, by and large, the performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries, with which the industry is already familiar.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 116-COGLA

### CANADA OIL AND GAS CERTIFICATE OF FITNESS

The Oil and Gas Production and Conservation Act authorizes the making of regulations which



prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances. In order to ensure that these standards are met by the industry, particularly in relation to major installations and structures, an independent third party known as a Certifying Authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Certificate of Fitness issued by the Certifying Authority. The proposed Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria pursuant to which the certificates will be acceptable to the regulator.

*Anticipated Impact:* Since Certificates of Fitness have long been recognized and required internationally, they are not new to the petroleum industry. However, the requirement for Certificates of Fitness in Canada will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

*Statutory Authority:* Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 117-COGLA

### NEWFOUNDLAND OFFSHORE AREA OIL AND GAS CERTIFICATE OF FITNESS

The Canada-Newfoundland Atlantic Accord Implementation Act authorizes the making of regulations which prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances. In order to ensure that these standards have been met by the industry, particularly in relation to major installations and structures, an independent third party known as a Certifying Authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Certificate of Fitness issued by the Certifying Authority. The proposed Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria pursuant to which the certificates will be acceptable to the regulator.

*Anticipated Impact:* Since Certificates of Fitness have long been recognized and required internationally, they are not new to the petroleum industry. However, the requirement for Certificates of Fitness will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 118-COGLA

### NOVA SCOTIA OFFSHORE PETROLEUM CERTIFICATE OF FITNESS

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act authorizes the making of regulations which prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances. In order to ensure that these standards have been met by the industry, particularly in relation to major installations and structures, an independent third party known as a Certifying Authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Certificate of Fitness issued by the Certifying Authority. The proposed Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria pursuant to which the certificates will be acceptable to the regulator.

*Anticipated Impact:* Since Certificates of Fitness have long been recognized and required internationally, they are not new to the petroleum industry. However, the requirement for Certificates of Fitness will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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119-COGLA**NOVA SCOTIA OFFSHORE PETROLEUM DIVING**

The Canada-Nova Scotia Offshore Petroleum Accord Implementation Act provides for the making of regulations concerning the safety and inspection of all operations, including diving, conducted in connection with the exploration for, the drilling for and the production of oil and gas. The proposed regulations, which will be identical to the Canada Oil and Gas Diving Regulations in respect of technical standards and criteria, will establish a comprehensive regulatory regime necessary to ensure the safety of individuals engaged in diving operations in the Nova Scotia offshore area.

*Anticipated Impact:* It is anticipated that the proposed regulations will encourage the establishment of Canadian divers training facilities to certify that divers are trained to the standards established in the regulations. The proposed regulations will formalize existing practices. The oil and gas industry is familiar with the draft regulations and has been complying with them as though they were already in force. Thus, the actual promulgation of the proposed regulations is not anticipated to have any incremental impact on the petroleum industry.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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120-COGLA**NOVA SCOTIA OFFSHORE PETROLEUM OPERATIONS**

These regulations are based on similar federal regulations that were first promulgated in February, 1983, under the Oil and Gas Production and Conservation Act (OGPCA). They set out conditions for obtaining an operating licence, authorization for exploratory or development-related work and for reporting an oil spill. When the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act came into effect, by virtue of subsection 8(2), all regulations passed under the authority of the OGPCA were no longer effective in the Nova Scotia offshore area. Therefore, it is necessary to promulgate this Nova Scotia area version of the regulations for the purpose of administering the act.

*Anticipated Impact:* Because there will be no net regulatory difference between the proposed regulations and the former regulations, there will be no

additional regulatory burden placed on the petroleum industry.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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121-COGLA**NEWFOUNDLAND OFFSHORE AREA OIL AND GAS SAFETY AND HEALTH**

The Canada-Newfoundland Atlantic Accord Implementation Act excludes the application of Part IV of the Canada Labour Code. It is necessary to develop a separate set of regulations in respect of the safety and inspection of all petroleum operations in the Newfoundland offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under the authority of Part IV of the Canada Labour Code.

*Anticipated Impact:* The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations under the Canada Labour Code to ensure consistency in safety standards in all petroleum operations across Canada. Both the Canadian Petroleum Association and the Independent Petroleum Association of Canada were actively involved in the drafting and review of the Labour Code Oil and Gas OSH Regulations. Thus, the promulgation of these regulations in the Newfoundland offshore area will have no additional impact on the industry.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

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*Contact:* G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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122-COGLA**NOVA SCOTIA OFFSHORE PETROLEUM SAFETY AND HEALTH**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act excludes the application of Part IV of the Canada Labour Code. It



is necessary to develop a separate set of regulations in respect of the safety and inspection of all petroleum operations in the Nova Scotia offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under the authority of Part IV of the Canada Labour Code.

**Anticipated Impact:** The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations under the Canada Labour Code to ensure consistency in safety standards in all petroleum operations across Canada. Both the Canadian Petroleum Association and the Independent Petroleum Association of Canada were actively involved in the drafting and review of the Labour Code Oil and Gas OSH Regulations. Thus, the promulgation of these regulations in the Nova Scotia offshore area will have no additional impact on the industry.

**Statutory Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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## 123-COGLA

### CANADA OIL AND GAS ONSHORE PIPELINE

The Oil and Gas Production and Conservation Act provides for the making of regulations respecting the operation, safety and inspection of all operations connected with the exploration and drilling for, as well as the production of, oil and gas. Because the construction of onshore pipelines from the well to a central gathering point is a function of the production system, it is necessary to make regulations governing operations as well as safety and inspection aspects of the construction and maintenance of onshore pipelines.

**Anticipated Impact:** The technical requirements of the regulations are already adhered to by the industry. By and large, the proposed regulations refer to standards adopted in Canada except where environmental conditions such as those encountered in the frontier regions of Canada, warrant more rigorous requirements.

**Statutory Authority:** Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

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## 124-COGLA

### CANADA OIL AND GAS OFFSHORE PIPELINE

The Oil and Gas Production and Conservation Act provides for the making of regulations with respect to the safety and inspection of all operations connected with exploration and drilling for, as well as the production of, oil and gas. Because the construction of offshore pipelines from the well to a central gathering point is a function of the production system and it is necessary to make regulations to govern the safety and inspection aspect of the construction and maintenance of offshore pipelines.

**Anticipated Impact:** The regulations refer to Canadian and international standards adopted or followed by most oil and gas producing countries. The industry is familiar with the requirements. A few Canadian offshore pipelines adhere to the requirements stipulated in these regulations. However, because of extreme environmental conditions encountered in Canada's frontier regions, compliance with these requirements may prove costly.

**Statutory Authority:** Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

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**Contact:** G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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## 125-COGLA

### NEWFOUNDLAND OFFSHORE AREA OIL AND GAS PIPELINE

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations with respect to the safety and inspection of all operations connected with exploration and drilling for, as well as the production of, oil and gas. Because the construction of offshore pipelines from the well to a central gathering point is a function of the production system, it is necessary to make regulations to govern the safety and inspection aspect of the construction and maintenance of offshore pipelines.

**Anticipated Impact:** The regulations refer to Canadian and international standards adopted or

followed by most oil and gas producing countries. The industry is familiar with the requirements. A few Canadian offshore pipelines adhere to the requirements stipulated in these regulations. However, because of extreme environmental conditions encountered in Canada's frontier regions, these requirements may prove costly to comply with.

**Statutory Authority:** Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

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**Contact:** G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 126-COGLA

#### NOVA SCOTIA OFFSHORE PETROLEUM PIPELINE

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations with respect to the safety and inspection of all operations connected with exploration and drilling for, as well as the production of, oil and gas. Because the construction of offshore pipelines from the well to a central gathering point is a function of the production system, it is necessary to make regulations to govern the safety and inspection aspect of the construction and maintenance of offshore pipelines.

**Anticipated Impact:** The regulations refer to Canadian and international standards adopted or followed by most oil and gas producing countries. The industry is familiar with the requirements. A few Canadian offshore pipelines adhere to the requirements stipulated in these regulations. However, because of extreme environmental conditions encountered in Canada's frontier regions, these requirements may prove costly to comply with.

**Statutory Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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**Contact:** G. Yungblut, Director General, Engineering Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 127-COGLA

#### CANADA OIL AND GAS GEOPHYSICAL

The Oil and Gas Production and Conservation Act provides for the making of regulations respecting safety, conservation practices and the pollution prevention in operations for the exploration for, and production of, oil and gas. These proposed regulations will provide specifically for the authorization and regulation of geophysical operations to ensure safety and protection of the environment for geophysical operations on frontier lands.

**Anticipated Impact:** The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for several years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and technical associations within industry are being consulted for their views on the formulation of these regulations. The proposed regulations are not anticipated to have any incremental impact on the petroleum industry.

**Statutory Authority:** Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

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**Contact:** G. Campbell, Director General, Resource Evaluation Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 128-COGLA

#### NEWFOUNDLAND OFFSHORE AREA OIL AND GAS GEOPHYSICAL

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and pollution prevention in operations for the exploration for, and production of, oil and gas. These proposed regulations will provide specifically for the authorization and regulation of geophysical operations as well as ensure safety and protection of the environment for geophysical operations in the Newfoundland offshore area.

**Anticipated Impact:** The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for several years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and technical associations within industry are being consulted for their views on the formulation of these regulations. The proposed regulations are not



anticipated to have any incremental impact on the petroleum industry.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3.

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G. Campbell, Director General, Resource Evaluation Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 129-COGLA

### NOVA SCOTIA OFFSHORE PETROLEUM GEOPHYSICAL

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and pollution prevention in operations for the exploration for, and production of, oil and gas. These proposed regulations will provide specifically for the authorization and regulation of geophysical operations to ensure safety and protection of the environment for geophysical operations in the Nova Scotia offshore area.

*Anticipated Impact:* The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for several years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada, and technical associations within industry are being consulted for their views on the formulation of these regulations. Promulgation of the proposed regulations are not anticipated to have any incremental impact on the petroleum industry.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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*Contact:* G. Campbell, Director General, Resource Evaluation Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 130-COGLA

### CANADA OIL AND GAS SPILLS AND DEBRIS LIABILITY - AMENDMENT

The Oil and Gas Production and Conservation Act (OGPCA) imposes on an operator absolute liability, up to "an applicable limit," for any actual damages

incurred as a result of a spill or debris in the area in which operations are being conducted.

The Canada Oil and Gas Spills and Debris Liability Regulations prescribing limits of absolute liability for all frontier lands to which the OGPCA applies, were promulgated and published in Part II of the *Canada Gazette* on June 24, 1987. The proposed amendment to the regulations is intended to correct a one-word mistake in the French translation.

*Anticipated Impact:* Because the petroleum industry is already complying with the regulations, the amendment will have no new impact.

*Statutory Authority:* Oil and Gas Production and Conservation Act, R.S.C. 1970, c. 0-4 as amended by R.S.C. 1970, c. 30 (1st Supp.) S.C. 1976-77, c. 55, S.C. 1980-81-82-83, c. 81 and S.C. 1986, c. 45

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S.D. Gill, Chief, Emergency Response, Environmental Protection Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 131-COGLA

### NOVA SCOTIA OFFSHORE PETROLEUM SPILLS AND DEBRIS LIABILITY

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act imposes on an operator absolute liability, up to "an applicable limit," for any actual damages incurred as a result of a spill or debris in the area in which operations are being conducted. These applicable limits are to be prescribed by regulations. Any loss or damage in excess of the applicable limit is statutorily protected but must be proven in court, both as to cause and liability as well as to amount. The proposed regulations will prescribe the applicable limits of absolute liability for those areas to which the act applies.

*Anticipated Impact:* The petroleum industry has already been complying with the regulations prescribing the limits of liability promulgated under the Oil and Gas Production and Conservation Act that the subject regulations are intended to replace. Accordingly, the proposed regulations will have no new impact on the petroleum industry once they are proclaimed in force. The proposed limits of liability, and therefore the costs to industry, are based on studies, available upon request, conducted for the Environmental Protection Branch of COGLA and on consultations with European countries which have an offshore petroleum industry co-existing with a significant fishing industry.

**Statutory Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

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**Contact:** S.D. Gill, Chief, Emergency Response, Environmental Protection Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 132-COGLA

### FRONTIER LANDS REGISTRATION – AMENDMENT

The Canada Petroleum Resources Act allows for the making of regulations respecting the registration and filing of documents to do with petroleum interests including the registration of encumbrances. The regulations establish a system to permit the registration of transfers of ownership and encumbrances on title. The proposed amendment will clarify the process for the application of the regulations and will ensure that the English and French versions are equivalent.

**Anticipated Impact:** The petroleum industry is already complying with the regulations. The amendment will have no negative impact; rather it will serve to facilitate industry's ability to comply with the regulations.

**Statutory Authority:** Canada Petroleum Resources Act, S.C. 1986, c. 45

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**Contact:** J.W. Gallagher, Director General, Rights Management Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 133-COGLA

### NEWFOUNDLAND OFFSHORE AREA REGISTRATION – AMENDMENT

The Canada-Newfoundland Atlantic Accord Implementation Act allows for the making of regulations respecting the registration and filing of documents to do with petroleum interests including the registration of encumbrances. The regulations establish a system to permit the registration of transfers of ownership and encumbrances on title. The proposed amendment will clarify the process for the application of the regulations and will ensure that the English and French versions are equivalent.

**Anticipated Impact:** The petroleum industry is already complying with the regulations. The

amendment will have no negative impact; rather it will serve to facilitate industry's ability to comply with the regulations.

**Statutory Authority:** Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*

**Contact:** J.W. Gallagher, Director General, Rights Management Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 134-COGLA

### NOVA SCOTIA OFFSHORE PETROLEUM REGISTRATION

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act allows for the making of regulations respecting the registration and filing of documents to do with petroleum interests including the registration of certain encumbrances. The proposed regulations will establish a system to permit the registration of transfers of ownership and encumbrances.

**Anticipated Impact:** The proposed regulations should promote a degree of confidence and security within both the petroleum industry and financial institutions, as these sectors will now be able to register their documents and receive the statutory protection afforded by such a system.

**Statutory Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28

**Expected Date of Publication:** Fourth Quarter, 1989, Part I, *Canada Gazette*

**Contact:** J.W. Gallagher, Director General, Rights Management Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 135-COGLA

### CANADA OIL AND GAS ROYALTY

The Canada Petroleum Resources Act creates and imposes a royalty on all production licence holders on frontier lands. Both the royalty rate or rates and the period for which the royalty will be paid, are to be prescribed by regulations. The proposed regulations will establish both the rates and the periods and will incorporate a new profit-sensitive royalty structure similar to other royalty regimes applied to high-cost projects in Western Canada.

**Anticipated Impact:** The proposed royalty regime is designed to provide a fair return to both the industry



after it recovers its up-front costs, and to the Government of Canada as owner of the resource. It is also designed to stimulate investment in Canada's frontier areas, subject, of course, to realistic price escalations, thereby creating employment and business opportunities for northern residents.

*Statutory Authority:* Canada Petroleum Resources Act, S.C. 1986, c. 45

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.W. Erdmann, Director General, Financial and Market Analysis Branch, Department of Energy, Mines and Resources, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-9351

Regulations were suggested by the Canadian Petroleum Association and the Independent Petroleum Association of Canada. The industry is in favour of the greater degree of accuracy which new surveying methods will provide.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* J.W. Gallagher, Director General, Rights Management Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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### 138-COGLA

#### **PUBLIC LANDS MINERAL LEASING – AMENDMENT**

In the absence of any specific statute which authorizes the disposition of public lands, the Public Lands Grants Act enables the Governor in Council to deal with public lands on a case-by-case basis as well as to make regulations authorizing ministers to dispose of such lands in accordance with the prescribed terms and conditions. In addition to the procedure already prescribed, the proposed amendment will permit the Minister of Energy, Mines and Resources to lease mines and minerals directly to the owner of the surface rights of the lands.

*Anticipated Impact:* It is expected that the proposed regulation will simplify the administration and time burden on the issuance of public lands mineral leases in those instances where the applicant is the owner of the surface rights. The anticipated impact on industry will be minimal.

*Statutory Authority:* Public Lands Grants Act, R.S.C. 1970, c. P-29, para. 4(1)(b)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* K.W. Corbett, Chief, Public Lands, Rights Administration Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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### 136-COGLA

#### **FRONTIER LANDS PETROLEUM LAND DIVISION AND SURVEY**

The relevant portions of the existing Canada Oil and Gas Land Regulations, as passed pursuant to the Territorial Lands Act and the Public Lands Grants Act, were prepared on the basis of the 1927 North American Datum. With the creation of new satellite survey systems, more accurate methods of surveying have been developed, and the regulations are being brought up to date to reflect this technological advance.

*Anticipated Impact:* The proposed regulations were suggested by the Canadian Petroleum Association and the Independent Petroleum Association of Canada. The industry is in favour of the greater degree of accuracy which new surveying methods will provide.

*Statutory Authority:* Canada Petroleum Resources Act, S.C. 1986, c. 45

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* J.W. Gallagher, Director General, Rights Management Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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### 137-COGLA

#### **NEWFOUNDLAND OFFSHORE AREA OIL AND GAS LAND DIVISION AND SURVEY**

These regulations, created pursuant to the Canada-Newfoundland Atlantic Accord Implementation Act, reflect new satellite survey systems provided for in the updated Canada Oil and Gas Land Regulations.

*Anticipated Impact:* The proposed amendments to portions of the Canada Oil and Gas Land

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### 139-COGLA

#### **FRONTIER LANDS PETROLEUM ROYALTY, 1987 – AMENDMENT**

The Canada Petroleum Resources Act creates and imposes a royalty on all production-licence holders on frontier lands. Both the royalty rate or rates and the period for which the royalty will be paid are to be prescribed by regulations. The regulations

incorporate a new profit-sensitive royalty structure similar to other royalty regimes applied to high-cost projects in Western Canada. The proposed amendment will effectively extend the period for which these regulations will be in force to allow for the collection of royalties pending the completion of the comprehensive royalty regulations.

*Anticipated Impact:* The amendments will allow government to collect royalties until the coming into force of the comprehensive royalty regulations.

*Statutory Authority:* Canada Petroleum Resources Act, S.C. 1986, c. 45

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.W. Erdmann, Director General, Financial and Market Analysis Branch, Department of Energy, Mines and Resources, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-9351

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#### 140-COGLA

#### NEWFOUNDLAND OFFSHORE AREA ROYALTY PAYMENT

The Canada-Newfoundland Atlantic Accord Implementation Act (C-NAAIA) imposes a royalty, in respect of petroleum produced in the Newfoundland offshore area. For the purpose of computing the royalties, the appropriate provisions of the provincial Petroleum and Natural Gas Act are incorporated by reference in the C-NAAIA. An amount equal to the aggregate of the royalties that have been collected in any fiscal year is to be deposited in the Newfoundland Offshore Petroleum Resource Revenue Fund (the Revenue Fund) and to be subsequently paid to the Province of Newfoundland. The payment of money both into the Revenue Fund and out of it to the province must be done in accordance with regulations. The Newfoundland Offshore Area Royalty Payment Regulations will prescribe the time and manner of the deposit and withdrawal.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe the internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Fund for transmittal to the Province of Newfoundland.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3, s. 216

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal Services, Department of Energy, Mines and Resources, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 141-COGLA

#### NOVA SCOTIA OFFSHORE AREA ROYALTY PAYMENT

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (the Nova Scotia Accord Act) imposes a royalty in respect of petroleum produced in the Nova Scotia offshore area. For the purpose of computing the royalties, the appropriate provisions of the provincial Offshore Petroleum Royalty Act are incorporated by reference in the Nova Scotia Accord Act. An amount equal to the aggregate of the royalties that have been collected in any fiscal year is to be deposited in the Nova Scotia Offshore Revenue Account (the Revenue Account) and to be subsequently paid to the Province of Nova Scotia. The payment of money both into the Revenue Account and out of it to the Province must be done in accordance with regulations. The Nova Scotia Offshore Area Royalty Payment Regulations will prescribe the time and manner of the deposit and withdrawal.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe the internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Account for transmittal to the Province of Nova Scotia.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28, s. 217

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal Services, Department of Energy, Mines and Resources, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 142-COGLA

#### ENVIRONMENTAL STUDIES RESEARCH FUND REGIONS – AMENDMENT

The Canada Petroleum Resources Act provides for the establishment of the Environmental Studies Research Funds (ESRF). The purpose of the funds is to support environmental and social studies pertaining to the manner, terms and conditions under which exploration, development and production activities on frontier lands under this act or any other act of Parliament should be conducted. Such studies are funded through a levy on oil- and gas-interest owners on frontier lands. In order to calculate the levy, frontier lands are divided into 31 prescribed regions. Regulations describing these regions were brought into force on November 6, 1987, registration SOR/87-641. The proposed amendment is required to correct the French version of the regulations by including a phrase which had been



omitted. The amendment will ensure equivalency between the English and French descriptions of the ESRF prescribed regions.

*Anticipated Impact:* The amendment does not alter either the amount or the method of calculation of the ESRF levy. It provides for a consistent basis for levy calculation, using either the English or the French text and removes any inconsistency between the French and English versions.

*Statutory Authority:* Canada Petroleum Resources Act, S.C. 1986, c. 45

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. Moir, Senior Program Officer, ESRF, Environmental Protection Branch, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 143-COGLA

#### **NEWFOUNDLAND OFFSHORE AREA CORPORATE INCOME TAX PAYMENT**

The Canada-Newfoundland Atlantic Accord Implementation Act imposes a tax on the taxable income of a corporation earned in a taxation year in the offshore area. An amount equal to the aggregate of the amounts assessed in respect of any fiscal year is required to be deposited by the Minister of Energy, Mines and Resources in the Newfoundland Offshore Petroleum Resource Revenue Fund (the Revenue Fund) and subsequently to be paid out to the Province of Newfoundland. The payment of money both into the Revenue Fund and out of the Revenue Fund to the province must be done in accordance with regulations. The Newfoundland Offshore Area Corporate Income Tax Payment Regulations will prescribe the time and manner of the deposit and withdrawal.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Fund for transmittal to the Province of Newfoundland.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3, s. 216

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal Services, Department of Energy, Mines and Resources, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 144-COGLA

#### **NOVA SCOTIA OFFSHORE AREA CORPORATE INCOME TAX PAYMENT**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act imposes a tax on the taxable income of a corporation earned in a taxation year in the Nova Scotia offshore area. An amount equal to the aggregate of the amounts assessed in any fiscal year is required to be deposited by the Minister of Energy, Mines and Resources in the Nova Scotia Offshore Revenue Account (the Revenue Account) and subsequently to be paid out to the Province of Nova Scotia. The payment of money both into and out of the Revenue Account to the province must be done in accordance with regulations. The Nova Scotia Offshore Area Corporate Income Tax Payment Regulations will prescribe the time and manner of the deposit and withdrawal.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Account for transmittal to the Province of Nova Scotia.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28, s. 217

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal Services, Department of Energy, Mines and Resources, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 145-COGLA

#### **NOVA SCOTIA RESOURCES (VENTURES) LIMITED DRILLING ASSISTANCE**

Pursuant to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, the Minister of Energy, Mines and Resources is authorized to pay to Nova Scotia Resources (Ventures) Limited (NSRVL) up to \$25 million in respect of certain Canadian exploration and development expenses incurred by NSRVL. These regulations will prescribe the time and the manner of making applications by NSRVL, the time and manner of repayment by NSRVL of overpayments as well as the interest rate to be charged.

*Anticipated Impact:* NSRVL is the only qualified recipient for the assistance payments. The proposed regulations, fully reviewed with the company, will specify the minimum essential administrative requirements for applications, refunds and interest payments.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28, s. 243

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* B. Moore, Director, Policy Co-ordination, Canada Oil and Gas Lands Administration, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 146-COGLA

### **PAYMENT TO NEWFOUNDLAND UNDER PART II OF THE CANADA-NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION ACT**

The Canada-Newfoundland Atlantic Accord Implementation Act (C-NAAIA) requires the Minister of Energy, Mines and Resources to pay into the Newfoundland Offshore Petroleum Resource Revenue Fund (the Revenue Fund) an amount equal to the amount collected under Part II (Petroleum Resources) of the C-NAAIA and not required to be refunded. These amounts include rentals, cash bonuses, forfeited performance bonds, licence fees, etc. The money is required to be subsequently transmitted to the Province of Newfoundland. Payment of money both into the Revenue Fund and out to the province must be done in accordance with regulations.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe the internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Fund for transmittal to the Province of Newfoundland.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3, s. 216

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal Services, Department of Energy, Mines and Resources, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 147-COGLA

### **PAYMENT TO NOVA SCOTIA UNDER PARTS II AND III OF THE CANADA-NOVA SCOTIA OFFSHORE PETROLEUM RESOURCES ACCORD IMPLEMENTATION ACT**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (the Nova Scotia Accord Act) requires the Minister of Energy, Mines and Resources to pay into the Nova Scotia Offshore Revenue Account (the Revenue Account)

an amount equal to the amount collected under Part II (Petroleum Resources) and Part III (Production and Conservation) of the Nova Scotia Accord Act and not required to be refunded. These amounts include rentals, cash bonuses, forfeited performance bonds, licence fees, etc. The money is required to be subsequently transmitted to the Province of Nova Scotia. The payment of money both into the Revenue Account and from it to the province must be done in accordance with regulations.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe the internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Account for transmittal to the Province of Nova Scotia.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28, s. 217

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal Services, Department of Energy, Mines and Resources, 355 River Road, Ottawa, Ontario, K1A 0E4. Tel. (613) 993-3760

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#### 148-COGLA

### **NEWFOUNDLAND OFFSHORE AREA – CONSUMPTION TAXES AND INSURANCE COMPANIES TAX PAYMENT**

The Canada-Newfoundland Atlantic Accord Implementation Act imposes a series of taxes, defined collectively as "Consumption Taxes," and the Newfoundland Insurance Companies Tax in the Newfoundland offshore area. An amount equivalent to the aggregate of the amounts collected in respect of these taxes is then required to be deposited in the Newfoundland Offshore Petroleum Resource Revenue Fund (the Revenue Fund) and to be paid out to the Province of Newfoundland. The payment of money both into the Revenue Fund and out to the province must be done in accordance with regulations. The Newfoundland Offshore Area Consumption Taxes and Newfoundland Insurance Companies Tax Payment Regulations will prescribe the time and manner of the deposit and withdrawal.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Fund for transmittal to the Province of Newfoundland.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3, s. 216



*Expected Date of Publication:* Third Quarter, 1989,  
Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal  
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149-COGLA

**NOVA SCOTIA OFFSHORE AREA –  
CONSUMPTION TAXES AND INSURANCE  
COMPANIES TAX PAYMENT**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act imposes a series of taxes, defined collectively as "Consumption Taxes," and the Nova Scotia Insurance Premiums Tax in the Nova Scotia offshore area. An amount equivalent to the aggregate of the amounts collected in respect of these taxes is then required to be deposited in the Nova Scotia Offshore Revenue Account (the Revenue Account) and to be paid out to the Province of Nova Scotia. The payment of money both into the Revenue Account and out to the province must be done in accordance with regulations. The Nova Scotia Offshore Area Consumption Taxes and Nova Scotia Insurance Premiums Tax Payment Regulations will prescribe the time and manner of the deposit and withdrawal.

*Anticipated Impact:* These regulations will have no impact on the general public or industry. They will prescribe internal procedures to be followed by officials in depositing and withdrawing monies from the Revenue Account for transmittal to the Province of Nova Scotia.

*Statutory Authority:* Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28, s. 217

*Expected Date of Publication:* Fourth Quarter,  
1989, Part I, *Canada Gazette*

*Contact:* T. Parschin-Rybkin, Counsel, Legal  
Services, Department of Energy, Mines and  
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# CANADA POST

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PROHIBITED MAIL REGULATIONS AND RELATED AMENDMENTS TO OTHER REGULATIONS .....	150-CPC
CANADA POST REGULATIONS REWRITE PROJECT .....	151-CPC





## Roles and Responsibilities

Canada Post, formerly a department of government, became a Crown corporation with the proclamation of the Canada Post Corporation Act, October 16, 1981. Canada Post is engaged in the business of collecting, sorting and delivering more than eight billion pieces of mail a year to over ten million homes and businesses across Canada in addition to handling mail to and from more than 165 countries. The Corporation markets its products and services through a network of approximately 13 000 outlets, more than half of which are operated by private business.

## Legislative Mandate

The Canada Post Corporation Act provides the Corporation with a basic mandate within which to conduct the affairs of the postal service. That mandate is to establish and operate a postal service for the collection, transmission and delivery of messages, information, funds and goods both within Canada and between Canada and places outside Canada; to manufacture and provide such products and to provide such services as are, in the opinion of the Corporation, necessary or incidental to the postal service; and to provide to, or on behalf of, departments and agencies of, as well as corporations owned, controlled or operated by, the Government of Canada or any provincial, regional or municipal government in Canada or to any person, services that, in the opinion of the Corporation, are capable of being conveniently provided in the course of carrying out the other objects of the Corporation.

While maintaining basic postal service, the Corporation, will consider the desirability of improving and extending its products and services in the light of developments in the field of communications. It will study the need to conduct its operations on a self-sustaining financial basis while providing a standard of service that meets the needs of the people of Canada and in a similar manner with respect to communities of the same size.

It will conduct its operations in such a manner as will best provide for the security of mail; it will use the human resources of the Corporation in a manner that will both attain the objects of the Corporation and that will ensure the commitment and dedication of its employees to the realization of those objects; and it will maintain a corporate identity program approved by the Governor in Council that reflects the role of the Corporation as an institution of the Government of Canada.

Canada Post Regulatory Process, section 17 of the Canada Post Corporation Act (CPC), authorizes the Corporation to make regulations for matters related to its business. Such regulations must be approved

by the Governor in Council before coming into effect.

The CPC Act provides that all proposed regulations must be published in Part I of the *Canada Gazette* and a reasonable opportunity afforded to interested persons to make representations.

On June 27, 1988 the government announced a new Postal Services Review Board consisting of an independent national board and a network of local customer councils to review Canada Post rates and services.

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### 150-CPC

#### PROHIBITED MAIL REGULATIONS AND RELATED AMENDMENTS TO OTHER REGULATIONS

The Prohibited Mail Regulations contain a list of items that are considered non-mailable matter (i.e., explosive substances, articles that may soil or damage other mail or post office equipment, etc.) and provide for the disposition of such non-mailable matter. The regulations are outdated and require amendments in order to bring them into line with other federal legislation as well as with new operational requirements. The amendments will also clarify the Corporation's position on commercial liquor shipments.

*Statutory Authority:* Canada Post Corporation Act, R.S.C. 1985, c. C.10.

*Anticipated Impact:* As these proposed amendments are generally technical in nature, the impact on customers is expected to be minimal.

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*.

*Contact:* General Counsel, Canada Post Corporation, Ottawa, Ontario, K1A 0B1.  
Tel. (613) 998-8377

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### 151-CPC

#### CANADA POST REGULATIONS REWRITE PROJECT

An ongoing review of existing Canada Post Corporation Regulations is needed in order to keep them more attuned to the objectives, duties and powers described in the Canada Post Corporation Act. As a result of this review, some regulations may either be revoked, amended or entirely re-written.

*Statutory Authority:* Canada Post Corporation Act, R.S.C. 1985, c. C.10.



*Anticipated Impact:* The impact depends upon the nature of the amendments that will be made.

*Expected Date of Publication:* At different times during the year

*Contact:* General Counsel, Canada Post Corporation, Ottawa, Ontario, K1A 0B1.  
Tel. (613) 998-8377

# DEPARTMENT OF COMMUNICATIONS

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## Roles and Responsibilities

The Department of Communications is responsible for the development of policies, programs, and co-operative arrangements that achieve Canada's social and economic objectives for communications and culture; and for fostering the orderly development and operation of communications and culture for Canada in both the domestic and international spheres. Five sectors within the Department carry out the overall objectives of the portfolio.

Telecommunications and Technology is responsible for improving and extending communications services available to Canadians, through the formulation of policies and regulations for telecommunications in Canada; by increasing the scientific and technical expertise of government, industry and the scientific community in the fields of telecommunications and informatics; and by promoting the development and exploitation of advanced technologies in the fields of telecommunications and informatics by Canadian industry for both domestic and world markets.

Spectrum Management and Regional Operations ensures the accommodation of as many users of the radio frequency spectrum as possible with a minimum of interference, and promotes the development and growth of radio communications in Canada. This is done by planning, authorizing and controlling spectrum use by Canadian broadcasters, operators and radio licence holders, and by protecting Canada's rights and interests regarding spectrum use through international agreements and regulations. The sector also represents the Department's activities in all regions of Canada.

Cultural Affairs and Broadcasting formulates policies and designs programs in the areas of culture and broadcasting.

The Corporate Policy and Corporate Management sectors provide management and a range of such centralized services to the Department as strategic planning of co-ordination of all departmental policy and the review of existing policies and programs. It manages the departmental relationship with other governments, both nationally and internationally and ensures public awareness, understanding and support for DOC policies and programs.

## Legislative Mandate

The legislative authorities for departmental activities are to be found in the:

- Broadcasting Act
- Canada Council Act
- Canadian Film Development Corporation Act
- Cultural Property Export and Import Act
- Department of Communications Act
- National Archives of Canada Act

- National Arts Centre Act
- National Film Act
- National Library Act
- National Museums Act
- National Transportation Act
- Radio Act
- Railway Act
- Telegraph Act
- Telesat Canada Act

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### 152-DOC

#### **BROADCAST TECHNICAL DATA SERVICES FEES**

The last change to this fee schedule was put into effect in March of 1985. Since that time, changes in the type of services that the Department provides as well as in the costs of providing these services have occurred. This proposal would broaden the range of services covered by this fee schedule to include direct access to broadcast data, and make overall fee adjustments to existing service categories.

*Anticipated Impact:* The process of information retrieval from the Department will be streamlined. Those seeking information could refer to a fee schedule which would indicate the type of information available and the cost of obtaining it. Fee adjustments for existing categories will be effected in order better to reflect administrative costs.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11 s. 13(b)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G. Rouleau, Director, Sector Policy, Planning and Assessment, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4260

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### 153-DOC

#### **CORRECTION OF MINOR ERRORS CONCERNING LICENCE FEES**

A number of minor adjustments are needed to clarify and make consistent the English and French texts and include items inadvertently omitted in the fee regulations that were promulgated as SOR/86-65. Among other items, point-to-point systems, frequency schedules and radio-licence amendment fees are affected.

*Anticipated Impact:* The proposed amendments are of a minor nature that will serve to correct small errors found in the SOR/86-65 amendment made to the radio regulations.



*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 6

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* John Fraser, Chief, Radio Regulations, Radio Regulatory Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4752

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#### 154-DOC

### **RADIO REGULATIONS – CORRECTION OF TRANSLATION ERRORS**

The Standing Joint Committee for the Scrutiny of Regulations has identified certain errors in the text of recent amendments to radio regulations, especially to the General Radio Regulations, Part I. The present amendment will correct these errors.

*Anticipated Impact:* The proposed amendments are of a routine nature serving only to improve the French version of recent amendments made to the radio regulations. The only impact will be to make consistent the French and English versions.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6(1) (a) and (b)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* John Fraser, Chief, Radio Regulations, Radio Regulatory Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4752

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#### 155-DOC

### **GENERAL RADIO REGULATIONS, PART I – FIXED RADIOTELEPHONES**

The Department is planning to exempt subscribers of fixed-subscriber radiotelephone terminals from obtaining a licence and concurrently will increase the radio station licence fees for these terminals that are operated by the telephone companies.

*Anticipated Impact:* Some 3000 subscribers of these terminals will be relieved of the monetary and regulatory burden an annual licence fee. The Department will be relieved of the paper burden of issuing licences for subscriber stations as well as producing and mailing the yearly fee notices.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter 1990, Part II, *Canada Gazette*

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#### 156-DOC

### **FLEET LICENSING**

Currently, the Department issues a licence for each fixed or mobile station. The Department is considering the introduction of the concept of fleet licensing whereby either one licence would be issued authorizing the operation of a fixed station and all of the mobile stations communicating with that fixed station, or one licence would be issued for the fixed station and one licence issued for all the mobile stations.

*Anticipated Impact:* The Department would save direct costs associated with the production and the mailing of annual licences for mobile radio stations. Amendments to the regulations would relieve users of the regulatory burden of having to obtain and renew, annually, a large number of radio licences.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 157-DOC

### **GENERAL RADIO SERVICE**

The Department may exempt from licensing General Radio Service (GRS) stations, including those used for the control of models. Continued licensing of these stations is no longer required for spectrum management purposes. Although not required to hold radio licences, the operators of these stations would continue to be subject to the regulatory provisions of the General Radio Regulations, Part II.

*Anticipated Impact:* Some 300 000 users of GRS and model control stations will be relieved of the regulatory burden of obtaining and renewing radio licences.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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158-DOC

## **POINT-TO-MULTIPOINT LICENSING**

Because of changes in technology, many new applications of radio have been introduced, e.g., alarm systems. Currently, each station requires a licence and would be charged a fee at the fixed station tariff. Considering that these stations are both spectrum efficient and low power, the Department is planning to amend the regulations such that the communications system is issued only one licence but at a higher tariff than the present fixed station tariff.

*Anticipated Impact:* The Department would no longer be required to issue a licence for each station in the system. This would reduce the paper burden for the Department and the users in the system as well reduce the licence fees for the users.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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159-DOC

## **CANADIAN GENERAL RADIO SERVICE, U.S. CITIZENS BAND – DELETION OF RESTRICTIVE PROVISIONS**

Existing regulations require both Canadian General Radio Service (GRS) licensees visiting the United States and American Citizens Radio Service (CB) users visiting Canada to obtain written authority to operate their stations in the other country. Agreement was reached with the United States (Federal Communications Commission) to abolish these requirements. Associated with this is the regulatory provision that prohibits radiocommunications across the border between these two services. These restrictive provisions will now be eliminated.

*Anticipated Impact:* This proposal will establish a consistent approach between Canada and the U.S. in GRS/CB operation as well as facilitate use of this

service by U.S. CB users while in Canada and Canadian GRS users while in the U.S.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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160-DOC

## **NON-BROADCAST RADIO SERVICES – REVISION OF LICENSING PROCESS AND FEE STRUCTURE**

The licence fee structure that applies to certain non-broadcast radio services is being revised to deal with the concerns of radio users as well as to respond effectively and efficiently to emerging trends in the application of new radiocommunication technologies. The proposed amendments will include: a) the exemption of subscriber cellular fixed stations from licensing requirements; b) the exemption of foreign governments from radio licence fee requirements on a reciprocal basis; and c) an expansion of the system licensing concept to cover subscribers of public commercial and restricted public commercial radio stations.

*Anticipated Impact:* a) all cellular subscribers will enjoy equitable treatment under the regulations because all subscriber stations, both mobile and fixed, will be exempt; b) all foreign governments which do not charge radio licence fees to the Government of Canada will enjoy reciprocal treatment under the regulations; c) with the extension of the system licensing concept to subscribers of public commercial and restricted public commercial radio stations, these radiocommunications users will enjoy the procedural benefits previously extended to other radiotelephone users.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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161-DOC**GENERAL RADIO REGULATIONS –  
CLARIFICATION, RATIONALIZATION AND  
UPDATING OF PROVISIONS**

In the past 25 years, several changes have been made to Part I of the General Radio Regulations without associated revisions being made to Part II. To ensure consistency of style, language and definitions, various changes are proposed to Part II which will establish consistency, remove translation errors and improve the integrity of both parts.

*Anticipated Impact:* The amendments proposed are essentially housekeeping initiatives that will serve to formalize current practice. The radio regulations will be made more logical, consistent and comprehensible to radio users.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 7

*Expected Date of Publication:* First Quarter, 1989; Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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162-DOC**CABLE AND MATV INTERFERENCE**

Radio interference resulting from cable system leakage has been reported on frequent occasions. This regulation would provide an appropriate enforcement mechanism for dealing with persistent cases of interference to users of the radio frequency spectrum.

*Anticipated Impact:* Cable operators with persistent cable leakage resulting in harmful interference to radio communications, will be forced by this regulation to take the measures specified by the Department to curb the problem.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* George Zurakowski, Head, Cable TV, Standards and Practices Section, Broadcast Regulations Branch,

Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 998-1691

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163-DOC**ANTENNA SUPPORTING STRUCTURES AND  
SAFETY OF RADIO EQUIPMENT**

The adequacy of regulations relating to antenna supporting structures and the safety of radio transmitting equipment have been of concern for some time to both the Department and those affected by the regulations. Regulatory provisions which govern safety aspects such as the painting and lighting of antenna supporting structures, the Private Receiving Antenna Construction Order as well as safety aspects related to the installation of amateur radio stations on board aircraft and ships will be revoked. Those who wish to erect antenna structures will consult directly with Transport Canada to obtain approval in accordance with their criteria.

*Anticipated Impact:* Municipalities will no longer be delegated the powers to inspect private receiving antennae; it has been many years since they exercised this provision anyway. Transport Canada will also formally take sole responsibility for safety aspects regarding the installation of amateur radio equipment on board aircraft and ships.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 7

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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164-DOC**CORDLESS TELEPHONES**

The Department of Communications believes that the operation of cordless telephones in the 46 and 49 MHz frequency bands has largely proven to be satisfactory. Consequently, the Department will amend section 6 of the General Radio Regulations, Part II, to permit the continued manufacturing of cordless telephones for use in the 46 and 49 MHz bands.

*Anticipated Impact:* The current manufacturing termination date for these devices at these frequencies will be removed, enabling manufacturers to continue to manufacture these band-specific cordless telephones. Reaction to this initiative should be positive as many manufacturers have asked that this change be made.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 165-DOC

### AMATEUR RADIO SERVICE SUB-BAND ALLOCATIONS AND OPERATORS' CERTIFICATE ENDORSEMENTS

Amateur radio stations operate within internationally-agreed radio frequency bands. Canada further regulates these amateur bands by forbidding certain emissions within sub-bands, particularly between 3.5 and 29.7 MHz. Occasionally, regulating authorities in other countries expand their radiotelephone sub-bands. Resulting in a number of requests from Canadian amateurs for a similar expansion. In addition, there have been requests to use emissions in the 3.5 to 29.7 MHz bands for data communications. These emissions are not currently authorized by regulation. This proposal would remove all emission restrictions and specify a maximum bandwidth of the transmitted signal for the various bands, regardless of the type of emission.

The 30-year-old practice of endorsing Amateur Radio Operators' Certificates after a certain number of months of operation to authorize the holder to use additional frequencies has been widely accepted by the amateur community. In 1980, an amendment was made to the General Radio Regulations, Part II, in order to legalize and simplify the procedure. However, the new provisions were found to be ultra vires the Radio Act because they created new sub-classes of radio operators' certificates, a power not provided for in the act. The purpose of this amendment is to revoke subsections 53(2) to (6), to amend schedule V and to revoke schedules VI and VIII of the General Radio Regulations, Part II.

*Anticipated Impact:* The proposal to deregulate the sub-bands has no economic impact upon existing amateur radio operations. With the advent of new types of emissions and communication techniques, it has been our experience that restrictions within the amateur bands hinder experimentation by unduly delaying access to the bands by interested amateurs. In addition, the amateurs have an enviable record of self-policing and co-operation, and any initial problems are expected to be minimal.

The proposal to revoke the endorsement program benefits both the public and the Department. All benefits will be accorded upon successful completion of the applicable examination. New amateurs will not have to keep records of their operations as

proof to obtain endorsements, and the Department will save human resources.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 7

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* John Fraser, Chief, Radio Regulations, Radio Regulatory Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4752

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#### 166-DOC

### RADIO SCANNING RECEIVERS – EXEMPTION FROM LICENSING REQUIREMENTS

Difficulties have been encountered in interpreting and applying the provisions of the regulations regarding licensing of radio receivers not intended for broadcast reception. Current examples are the radio scanning receivers which scan radio frequencies and pick up transmissions from police and fire fighting services, cellular telephone service, taxi dispatch, etc.

*Anticipated Impact:* There is no reason related to ensuring interference-free use of the radio spectrum for continuing to licence these receivers. Nor has licensing proven effective in controlling the availability and use of these devices by the general public.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 3

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* John Fraser, Chief, Radio Regulations, Radio Regulatory Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4752

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#### 167-DOC

### MATV EXEMPTION

No broadcasting undertaking may be established or operated except under and in accordance with a Technical Construction and Operating Certificate (TC&OC) issued by the Minister unless an exemption by regulation is granted by the Minister. This regulation will delineate exemption conditions for MATV systems. Exemptions will not apply where aeronautical frequencies are involved and will be conditional upon MATV systems' adherence to leakage limits.



*Anticipated Impact:* The exemption conditions will minimize the regulatory burden while, at the same time, will provide necessary protection to other radio services from radio interference from MATV systems particularly aeronautical/navigation and communications services.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 3

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 168-DOC

### REMOTE-CONTROL MODEL FREQUENCIES

The Department will be adding additional frequencies in the 72 MHz to 73 MHz band allocated for model control. This proposal will permit continual 10 kHz channel-spacing in this band.

*Anticipated Impact:* Users of these frequencies will have greater equipment selection and more operating flexibility.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 169-DOC

### REVISIONS TO BROADCAST STATION IDENTIFICATION REGULATIONS

Under existing regulations, broadcasting stations are required to transmit their call sign, channel designation and location on an hourly basis. This has led to difficulties since some types of programming, such as live broadcasts of performances, cannot be interrupted. In this regard, the international radio regulations are more flexible than the existing Canadian regulations. The method of identification for re-broadcast stations also needs to be revised. Changes will be proposed in order to align the Canadian regulations with international radio regulations and to ensure that stations are properly identified.

*Anticipated Impact:* This proposal will bring the regulations into line with international regulations and current practices.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 5,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 170-DOC

### LICENCE-EXEMPT RADIO APPARATUS REGULATIONS – REVISIONS

Changes in technology that have led to the development and introduction of many new low-power devices have necessitated the review of regulations governing licence-exempt radio apparatus. This proposal will revise the technical criteria for licence exemption of low-power devices and establish a framework within which future devices may be more easily accommodated.

*Anticipated Impact:* Revised regulations will reduce the time required to obtain approval for devices intended for licence-exempt operation in Canada. The criteria for exemption will be clearly understood by the public and this, in turn, will facilitate the introduction of new products and technology affected by these regulations.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, ss. 3,7

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* V. Rawat, Director, Spectrum Engineering, Engineering Programs Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4687

#### 171-DOC

### VCR REGULATIONS

Radio apparatus intended for, and capable of, recording television broadcasting for the purpose of home entertainment are currently excluded from any regulations pertaining to radio apparatus capable of receiving television broadcasting. This proposal would rectify the inconsistency by introducing technical requirements for the purpose of minimizing radio interference.

**Anticipated Impact:** Manufacturers and distributors of video recording devices will have to ensure that their equipment complies with the pertinent regulations on devices capable of receiving television broadcasting. Requirements under current regulations for minimizing radio interference related to television receiving apparatus will also apply to apparatus capable of recording television broadcasting.

**Statutory Authority:** Radio Act, R.S.C. 1985, c. R-2, ss. 6,7

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 172-DOC

### EMERGENCY LOCATOR RADIO BEACONS – EXPANDED USE

Under existing regulations, devices that transmit radio frequency signals to facilitate search and rescue operations by indicating the position of a distress situation are authorized for use only in marking the location of a downed aircraft or a sunken ship. As a result of concerns expressed about these limitations, the Department proposes to broaden the existing regulations to liberalize the use of emergency-locator radio beacons in Canada.

**Anticipated Impact:** Canadian manufacturers and importers of these beacons will have a larger market as recreational boaters choose to outfit their vessels with these beacons. Although incurring greater expense to equip their craft, owners and operators of aircraft and vessels will gain increased security in case of an emergency.

**Statutory Authority:** Radio Act, R.S.C. 1985, c. R-2, ss. 3,6

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

**Contact:** John Fraser, Chief, Radio Regulations, Radio Regulatory Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4752

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#### 173-DOC

### RESTRUCTURING OF THE AMATEUR RADIO SERVICE

In November of 1985, the Department released a discussion paper for public comment entitled "Discussion Paper on a Possible Restructuring of the Amateur Radio Service in Canada." This paper proposed a substantive restructuring of the amateur service, which would result in amendments to the General Radio Regulations. Some of the features of these proposed amendments will include modernization of the amateur radio-operator certificate structure, refinements to the amateur examination process leading to the attainment of operating certificates and overall improvements to the service to accommodate radio amateur operations.

**Anticipated Impact:** Judging from the public comments received in response to the discussion paper, reactions to the proposed restructuring of the amateur service are expected to be positive.

**Statutory Authority:** Radio Act, R.S.C. 1985, c. R-2, s. 7

**Expected Date of Publication:** Third Quarter, Part I, *Canada Gazette*; Fourth Quarter, Part II, *Canada Gazette*

**Contact:** M. Nunas, Acting Director, Spectrum Management Operations, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4930

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#### 174-DOC

### CERTIFICATION OF RADIO OPERATORS

In 1982, a task force was established by the departments of Communications and Transport to review the roles and duties of radio operators and to determine the class of certificate required to carry out the duties of an operator at particular radio stations. The recommendations of the task force were published in November 1982, and comments were solicited from the public. This proposal encompasses the conclusions reached and changes required to introduce new classes of radio operator certificates, delete certain existing classes and revise the statements of duties and qualifications.

**Anticipated Impact:** Professional radio operators and the public will have a wider variety of certificates to choose from, to suit the requirements of current and future use of the radio services involved. Safety services, in particular, will benefit from the introduction of operator certification requirements that are more rigorous and appropriate to the maritime and aeronautical mobile services.

**Statutory Authority:** Radio Act, R.S.C. 1985, c. R-2, ss. 6,7



*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 175-DOC

### DIGITAL APPARATUS – NOISE LIMITS

Digital apparatus include such devices as business and personal computers, electronic games and calculators. If not adequately designed or operated, they can create radio noise that adversely affects reception of broadcasting and non-broadcasting signals. Generally, the regulatory amendments will prescribe radio noise limits and prohibit the sale or use in Canada of digital apparatus that exceed those limits.

*Anticipated Impact:* The proposed regulatory amendment is expected to affect manufacturers, users and the government. The manufacturer will be required to comply with minimum technical standards and testing methodology. The user, owner or operator of the digital apparatus will be required to suspend or restrict operation of the apparatus when it does cause interference and to safeguard the public by minimizing potential interference to radio services.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 6

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 176-DOC

### RADIO FREQUENCY (RF) LIGHTING DEVICES – RADIO NOISE LIMITS

The term "RF lighting" is broadly applied to lighting devices that use radio frequency energy (normally between 0.3 and 30 MHz) to excite a gas inside the bulb. While the use of RF energy increases the efficiency of these products, it also produces emissions in a wide range of frequencies that are both conducted along the lamp wiring and radiated by the lamp. Since these lighting devices are being developed for both domestic and industrial applications, they have a serious potential for interfering with the reception of authorized broadcast and non-broadcast signals. A prescription of radio noise

limits for these devices will be made in the radio interference regulations.

*Anticipated Impact:* This proposal will improve the radio frequency environment for radio users and the general public by reducing the interference experienced on broadcast and non-broadcast channels. No significant economic impact is expected to result from the proposed action.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 6

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G. Roberts, Director, EMC Analysis and Consultation, Engineering Programs Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613)990-4716

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#### 177-DOC

### HIGH VOLTAGE POWER SYSTEMS – RADIO NOISE LIMITS

Although a voluntary Canadian Standards Association standard has existed for some time, there are ongoing complaints about radio interference caused by high-voltage power systems. This proposal is intended to reduce interference with the reception of authorized broadcast and non-broadcast signals through a prescription of radio noise limits in the radio interference regulations.

*Anticipated Impact:* This proposal will improve the radio frequency environment for radio users and the general public by reducing the interference experienced on broadcast and non-broadcast channels.

*Statutory Authority:* Radio Act, R.S.C. 1985, c. R-2, s. 6

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mr. G. Roberts, Director, EMC Analysis and Consultation, Engineering Programs Branch, Department of Communications, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4716

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#### 178-DOC

### TELECOMMUNICATION APPARATUS ASSESSMENT AND TESTING FEES

In accordance with the principle of departmental cost recovery, the fees charged for the technical assessment, testing and certification of radio and technical equipment are periodically reviewed and revised. This proposal, to come into effect in the

third quarter of 1989, will adjust the level of fees to reflect current costs of providing these services.

*Anticipated Impact:* This proposal will ensure compliance with the commitment to recover fully the costs of government programs and services.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 13 (b)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 179-DOC

#### DAVID FLORIDA LABORATORY FEE SCHEDULE

The testing facilities and associated services of the David Florida Laboratory are available to organizations on a cost-recovery basis. The fees payable for the use of the laboratory will result over a period of time, in full cost recovery of direct operating and overhead costs when the facilities are used at a high fraction of capacity.

*Anticipated Impact:* The proposal will result in increased fees to the users of the testing facilities but should not unduly penalize the Canadian aerospace industry when considering the rates applicable to its foreign competition.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## Roles and Responsibilities

Consumer and Corporate Affairs Canada (CCAC) was created in 1967 to foster a more effective and efficient market system by bringing together in one department the diverse federal programs providing the regulatory framework for the Canadian marketplace. In essence, the Department's role is to ensure that rules for marketplace behaviour are adequate and properly administered, to redress the imbalance between producers and consumers through consumer protection and representation, and to promote creativity, innovation and the exploitation of technology.

The CCAC's basic mission is to promote the fair and efficient operation of the marketplace in Canada. This is achieved by: establishing and administering rules and guidelines for business conduct; assuring accurate information for informed consumer decisions; maintaining and encouraging competition among businesses; establishing, administering and enforcing standards for trade in commodities and services; providing protection from product-related hazards; and encouraging the disclosure and diffusion of technological information. In addition, the Minister, as Registrar General of Canada, issues and registers formal and official documents on behalf of the Government of Canada.

The Department's endeavours complement other federal programs, particularly Agriculture, Communications, External Affairs, National Health and Welfare, Transport and the Departments of Finance and Justice. In keeping with its mandate for the legal structure of the Canadian market system, the department is particularly concerned with ensuring the effective and efficient administration of marketplace laws and regulations, their appropriateness and that Canadian consumers are adequately protected and their interests promoted.

The Department's principal tools for achieving its strategic aims stem from more than 70 acts and their attendant regulations which the Department administers.

The duties specified in the Department of Consumer and Corporate Affairs Act, RSC 1970, c. C-27 include functions relating to consumer affairs, corporations, combines and competition policy, bankruptcies and insolvency, patents, trademarks, copyright, consumer goods standards, legal metrology, and those stemming from the responsibilities of the Registrar General of Canada. Pursuant to the Constitution Act, many of these responsibilities are under federal jurisdiction exclusively.

## Legislative Mandate

The Department has sole responsibility for the administration of the acts listed below:

### General

- Consumer and Corporate Affairs, Department of
- Assistant Deputy Registrar General
- Public Documents
- Public Officers
- Seals

### Consumer Affairs

- Tax Rebate Discounting
- Consumer Packaging and Labelling
- National Trade Mark and True Labelling
- Precious Metals Marking
- Textile Labelling
- Electricity and Gas Inspection
- Weights and Measures
- Urea Formaldehyde Foam Insulation

### Corporate Affairs

- Bankruptcy
- Companies' Creditors Arrangement
- Boards of Trade
- Co-operative Associations, Canada
- Corporations, Canada
- Corporations, Canada Business
- Government Companies Operation
- Pension Fund Societies
- Trade Unions
- Patents
- Public Servants Inventions
- "Parliament Hill," use of expression
- Trade Marks
- Copyright
- Industrial Design
- Timber Marking

### Competition Policy

- Competition

## Administrative Arrangements

The Department has shared responsibility for the administration of the following acts:

### Assistant Deputy Registrar General

- Bell Canada
- Boards of Trade
- Cape Breton Development Corporation
- Canadian National Railways
- Criminal Records
- Extradition
- Fort Falls Bridge Authority
- Land Titles
- Lands Surveys Canada



Northern Pipeline  
Public Lands Grants  
Publication of Statutes  
Railway

Consumer Affairs  
Bills of Exchange  
Interest  
Agricultural Products Standards, Canada  
Broadcasting Regulations  
Fish Inspection  
Food and Drugs  
Hazardous Products  
Feeds  
Fertilizers  
Pest Control Products  
Seeds

Corporate Affairs  
Canada Development Corporation  
Co-operative Credit Associations  
Corporations and Labour Unions Returns  
Defence Production  
Energy Supplies Emergency 1979  
Loan Companies  
St. Lawrence Seaway Authority  
Winding-Up, Part I

Competition Policy  
Foreign Investment Review  
National Transportation  
Shipping Conference Exemption 1979

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## 180-CCAC MINERAL WATER LABELLING

The Food and Drug Regulations designate mineral water and spring water as interchangeable names for untreated water from an underground source. The province of Quebec, the only province that regulates these two products, considers these to be two distinct products, the differentiation being the level of total dissolved mineral salts. In order to ensure equity in the marketing of these products, consideration is being given to amending the Food and Drug Regulations to designate mineral water and spring water as two distinct and separate products which will be consistent with definitions in the Quebec regulations.

*Anticipated Impact:* The proposal to designate mineral water and spring water as two distinct products, as they are in Quebec provincial regulations, will provide for harmonization of federal-provincial regulations, ensure more accurate information for consumers with no significant costs/burdens to industry.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* C.G. Sheppard, Chief, Manufactured Food Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1591

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## 181-CCAC LABELLING OF IRRADIATED FOODS

Food processors have requested authorization to extend the use of food irradiation for the purposes of increasing the quality, safety and shelf-life of foods. A proposed regulatory change being initiated by Health and Welfare Canada will broaden the scope of its application and identify irradiation as a process rather than a food additive. CCAC has developed a labelling system to identify irradiated foods. A proposed regulation pertaining to the labelling of irradiated foods received publication in Part I of the *Canada Gazette* on June 4, 1988.

*Anticipated Impact:* The proposal places additional labelling requirements with some cost implications on those food processors and importers who elect to sell irradiated foods. However, the new requirements are not expected to have any substantial economic impact, and consumers will be provided with a means of distinguishing treated from non-treated food products.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25(1)

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* C.G. Sheppard, Chief, Manufactured Food Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1591

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## 182-CCAC FOOD AND DRUG REGULATIONS – MISCELLANEOUS LABELLING

Several food labelling regulations relative to a number of nonsubstantive issues require amendment to reflect technological developments, changing industry/consumer trends and to clarify their intent.

*Anticipated Impact:* The potential impact is minor in as-much as the proposed amendments require little or no changes to the packaging and labelling of the food products involved.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25(1), and schedule No. 556

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* C.G. Sheppard, Chief, Manufactured Food Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1591

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#### 183-CCAC

### **LABELLING OF WINES RESPECTING COUNTRY OF ORIGIN**

The present regulation does not provide for an accurate description of the product source since many wines do not originate entirely from one country. Amendment of section B.02.108 of the Food and Drug Regulations is being proposed, and the changes are intended to apply to all wines bottled on or after January 1, 1990, and to wines marketed for the first time in Canada after December 31, 1988.

*Anticipated Impact:* The proposal will clarify product origin information for consumers with minimal cost impact to industry in relation to current labelling requirements.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25(1)

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* C.G. Sheppard, Chief, Manufactured Food Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1591

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#### 184-CCAC

### **TEXTILE LABELLING AND ADVERTISING – COUNTRY OF ORIGIN**

The government is undertaking a review of current labelling regulations concerning country of manufacture under the Textile Labelling and Advertising Regulations administered by CCAC and the Marking of Imported Goods Order administered by Revenue Canada. The objective is to assess whether current requirements provide an adequate basis for consumers to distinguish between Canadian and imported textiles and clothing. In addition, the harmonization of Canadian requirements with the more comprehensive U.S. Federal Trade Commission requirements is being examined.

*Anticipated Impact:* A reduction in the Canadian market share of certain imported textile products is anticipated.

*Statutory Authority:* Textile Labelling Act, R.S.C. 1985, c. T-10; Customs Tariff, R.S.C. 1985, c. C-54

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* Carol Knapp, Chief, Merchandise Standards Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1177

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#### 185-CCAC

### **TEXTILE LABELLING AND ADVERTISING – MISCELLANEOUS PROPOSALS**

The Department proposes to clarify the existing regulations with regard to the disclosure of pile, coated and impregnated fabrics by incorporating a definition and system of nomenclature for biconstituent/multiconstituent fibres and grafted fibres, and by identifying the generic names fluorofibre and polyolefin as specified in the National Standard of Canada – Generic Names for Man-made Fibres. The proposals were republished in the Third Quarter, 1988, Part I of *Canada Gazette*.

*Anticipated Impact:* The proposals will clarify the regulatory requirements, with no significant costs/burdens to industry.

*Statutory Authority:* Textile Labelling Act, R.S.C. 1985, c. T-10

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Carol Knapp, Chief, Merchandise Standards Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1177

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#### 186-CCAC

### **“CANADA STANDARD” SIZING**

Proposed amendments to the regulations will allow a garment to be identified as being “Canada Standard” size if it provides an acceptable fit on a model form or live body conforming to “Canada Standard” size measurements. In addition, these amendments will also clarify the current wording of the regulations relating to advertising as well as the application of the National Trade Mark. The amendments were republished in the Fourth Quarter, 1988, Part I, *Canada Gazette*.

*Anticipated Impact:* The amendments will lead to a more widespread adoption of the “Canada Standard” sizing program.

*Statutory Authority:* National Trade Mark and True Labelling Act, R.S.C. 1985, c. N-18



*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Carol Knapp, Chief, Merchandise Standards Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1177

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#### 187-CCAC

### **POLYBENZIMIDAZOLE – PROPOSAL TO ADOPT PBI AS THE ACCEPTABLE GENERIC NAME**

The Department proposes to adopt "PBI" as an acceptable generic name for polybenzimidazole fibre (a high performance fibre characterized by its high temperature resistance, chemical resistance and high strength), in the labelling and advertising of textile articles. This term has been adopted in the United States and has recently met the approval of the Canadian General Standards Board Committee on Generic Names and will be included in the National Standard of Canada – Generic Names for Man-made Fibres.

*Anticipated Impact:* The proposal will clarify the regulatory requirements for articles constructed from this fibre, with no significant costs/burdens to industry.

*Statutory Authority:* Textile Labelling Act, R.S.C. 1985, c. T-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Carol Knapp, Chief, Merchandise Standards Division, Consumer Products Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1177

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#### 188-CCAC

### **WHMIS – CONTROLLED PRODUCTS**

The Controlled Products Regulations (CPR) were promulgated on December 31, 1987, as part of the Workplace Hazardous Materials Information System (WHMIS). Amendments to the CPR are foreseen following the October 31, 1988, implementation of the regulations to reflect elaborations of the consensus on WHMIS developed between industry, labour and federal and provincial governments. These revisions will be identified during the regulatory process.

*Anticipated Impact:* It is premature to identify impacts prior to the implementation phase of WHMIS.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* Morley Brownstein, Chief, WHMIS Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1194

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#### 189-CCAC

### **FLAMMABLE ADHESIVES – LABELLING**

Since 1980, the Department has learned of 23 accidents, including two deaths, resulting from the ignition of solvent vapours from adhesives. The adhesives contain large concentrations of volatile, flammable solvents. Regulatory measures requiring additional precautionary labelling, as well as a public information campaign, are being considered to improve the safety of these products. Industry has indicated its support of regulatory, rather than voluntary action. Prepublication is planned for the fourth quarter of 1988.

*Anticipated Impact:* The principal benefit will be a reduction in the number of fatalities and injuries caused and of the costs incurred by ignition of solvent vapour from flammable adhesives. The regulation will not hinder the ability of manufacturers to produce adhesives they deem to be optimally formulated and will increase consumer awareness of the precautions that must be taken.

Preliminary consultation with industry has indicated that the economic impact of the proposed changes would be minimized by providing an adequate lead time in which to meet the new labelling requirements.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Richard Viau, A/Chief, Chemical and Biological Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1194

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#### 190-CCAC

### **HYDROFLUORIC ACID AND FLUORIDE ION IN CONSUMER PRODUCTS – LEVEL RESTRICTIONS**

Hydrofluoric acid, an extremely corrosive and toxic chemical, can cause deep, slow-healing and painful burns to the skin and may cause systemic poisoning. Many physicians are unaware of the special treatment that is required. Other sources of fluoride ion pose a similar hazard. The Department is

considering regulatory measures to restrict the sale of products containing hydrofluoric acid and fluoride ion and to require specific warning labels.

*Anticipated Impact:* There would be little impact since there are substitutes currently in the marketplace with the exception of glass etching products used by hobbyists. Hobbyists using these products would be better protected.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 191-CCAC

#### WARNING LABELS FOR PRODUCTS CONTAINING DICHLOROMETHANE (METHYLENE CHLORIDE)

It has been determined that Dichloromethane, also known as methylene chloride, is carcinogenic to certain laboratory animals. In the United States, the Consumer Product Safety Commission is considering requiring products containing methylene chloride to display a warning statement that this compound could cause cancer in humans. The Department is considering similar labelling in Canada.

*Anticipated Impact:* The impact is not expected to be high. Adequate lead time will be provided for industry to phase in the use of new labels bearing the required safety information.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Richard Viau, A/Chief, Chemical and Biological Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1194

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#### 192-CCAC

#### MATCHES

The Hazardous Products (Matches) Regulations were implemented in 1972 to address specific hazards due to propulsion of hot particles, breaking

of match splints and glowing after extinction. Since 1970, 153 complaints, involving 24 injuries, have been received with respect to the dropping and subsequent accidental ignition of "strike anywhere" matches and other problems. The proposed revisions will address these hazards and will also bring regulations in accordance with the technological developments of match production and testing.

*Anticipated Impact:* Compliance with the proposed revisions will not cause a significant increase in the production cost of matches for domestic manufacturers who are supplying over 90 per cent of the Canadian market. Furthermore, since 1981, the production of book matches has decreased by nearly 60 per cent. This decrease is attributed mainly to the continued increase of lighter sales.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Alex Rnic, A/Chief, Flammability Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel. (819) 997-1194

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#### 193-CCAC

#### IMITATION EXPLOSIVES

Imitation explosives in the form of a bundle of dynamite sticks were used in an imported novelty clock which was designed to resemble a time bomb. Mischievous use of this product resulted in several emergency evacuations. Due to the danger to the public inherent in such situations, the product was banned in June, 1985, under the Hazardous Products Act. The existing ban will be replaced by regulations permitting the sale, advertisement and importation of these products for use as training aids for police or security personnel.

*Anticipated Impact:* The anticipated impact on industry will be negligible because of the small size of the market.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Alex Rnic, A/Chief, Flammability Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Québec, K1A 0C9. Tel. (819) 997-1194



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194-CCAC**BABY GATES AND ENCLOSURES**

Injuries to children are caused by inadequate design features and performance characteristics of some baby gates and enclosures. The Department, in co-operation with industry and the American Society for Testing and Materials, is proposing regulations under the Hazardous Products Act to improve the safety of these products.

*Anticipated Impact:* The potential impact for industry is not expected to be high as adequate lead time will be provided to modify the products. Infants and small children will benefit from increased safety.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* K.G. Gupta, Chief, Mechanical and Electrical Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 997-4774

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195-CCAC**BOOSTER CUSHIONS**

Part I of schedule I to the Hazardous Products Act prescribes the requirements of the Canada Motor Vehicle Safety Standard (CMVSS) 213.2 "Booster Cushions." The Department of Transport is amending this standard and the Department of Consumer and Corporate Affairs is proposing to amend the schedule to the Hazardous Products Act to move the regulatory control of booster cushions from part I to part II. Applicable regulations referencing the CMVSS 213.2 as amended will also be proposed.

*Anticipated Impact:* It is not anticipated that there will be an impact as the industry is currently producing booster cushions that meet the amended standard.

*Statutory Authority:* Hazardous Products Act, R.S.C., 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* The amendments to the standard were prepublished in the *Canada Gazette*, Part I, March 28, 1987, by the Department of Transport. The expected date of publication of the amendment to the schedule to the Hazardous Products Act is the First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* K.G. Gupta, Chief, Mechanical and Electrical Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du

Portage, Phase I, Hull, Quebec, K1A 0C9.  
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196-CCAC**CRIBS AND CRADLES**

An amendment to the Cribs and Cradles Regulations is being proposed to address potential hazards associated with toeholds that enable a child to climb out of a crib and risk injury. The toehold hazard is presented by horizontal bars on ledges below a crib's top rail. Another amendment will clarify the definitions for portable and standard cribs. It is proposed to divide the requirements for cribs and cradles into two separate regulations.

*Anticipated Impact:* The potential impact is not expected to be high as adequate lead time will be provided for industry to modify these products. Babies and small children will benefit from the increased safety.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

*Contact:* K.G. Gupta, Chief, Mechanical and Electrical Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
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197-CCAC**ICE HOCKEY HELMETS**

Part I of schedule I to the Hazardous Products Act currently prescribes the requirements of the obsolete Canadian Standards Association (CSA) hockey helmets standard published in 1975. The Department is proposing to amend the schedule to move the item from part I to part II and to propose regulations to reference the 1984 version of the CSA hockey helmets standard.

*Anticipated Impact:* No impact is anticipated as the industry is currently producing hockey helmets that meet the revised CSA standard.

*Statutory Authority:* Hazardous Products Act, R.S.C. 1985, c. H-3 as amended by S.C. 1987, c. 30

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* K.G. Gupta, Chief, Mechanical and Electrical Hazards Division, Product Safety Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
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198-CCAC**WEIGHTS AND MEASURES – MINOR REVISIONS AND ADDITIONS**

The methods and means of inspecting new liquid measuring devices have not kept pace with the technology applied in the design and operation of these devices. This proposal allows for the use of new technology in the inspection of measuring machines and establishes new or revised tolerances for local standards of weight and volume. Also included are minor revisions that reflect current and less intervention approaches to enforcement.

*Anticipated Impact:* The impact of this proposal on users of weighing and measuring machines will be minimal. The proposal deals mainly with tolerances for standards and reflects the enforcement procedures and units of measurement already in use.

*Statutory Authority:* Weights and Measures Act, R.S.C. 1985, c. W-6

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625

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199-CCAC**WEIGHTS AND MEASURES – EXEMPTIONS FROM SPECIFIC PROVISIONS**

The Weights and Measures Act requires the approval, marking and inspection of most weighing and measuring machines used in trade. Some exceptions from these requirements are allowed by regulation. Current technology has resulted in additional machines, components and accessories where approval, marking or inspection is not essential to ensure metrological integrity. It is proposed to exempt some of these components and accessories from one or more of the requirements.

*Anticipated Impact:* This proposal will facilitate a more rapid introduction of this new technology in the marketplace because it eliminates the need for approval, inspection or marking which, in turn, reduces paperburden and costs for suppliers of this equipment.

*Statutory Authority:* Weights and Measures Act, R.S.C. 1985, c. W-6

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Consumer and

Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625

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200-CCAC**WEIGHTS AND MEASURES – PERFORMANCE FOR RAILROAD IN-MOTION WEIGHING**

Existing regulations do not adequately address performance requirements for in motion weighing of commodities on trains. These provisions are required to effectively regulate new technology and methods of weighing.

*Anticipated Impact:* It is anticipated that these amendments will have a minor impact since the requirements were developed with extensive consultation and will standardize what is generally accepted by the industry.

*Statutory Authority:* Weights and Measures Act, R.S.C. 1985, c. W-6

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625

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201-CCAC**PACKAGING AND LABELLING AND WEIGHTS AND MEASURES – COMMODITY TESTING AND LIMITS OF ERROR**

In keeping with international agreements, it is proposed to amend regulatory requirements for determining the net quantity of packaged commodities. These changes include the adoption of internationally accepted limits of error and test methods to reduce trade barriers between Canada and other signatories to these agreements.

*Anticipated Impact:* There will be a positive impact for both packers and consumers as packaging costs may be reduced without jeopardizing fair measure to consumers.

*Statutory Authority:* Weights and Measures Act, R.S.C. 1985, c. W-6; Consumer Packaging and Labelling Act, R.S.C. 1985, c. C-38

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625



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202-CCAC**WEIGHTS AND MEASURES REGULATIONS – MINOR REVISIONS**

The present regulations and specifications, in many instances, do not allow for advances and changes that have taken place in measurement technology and practice and in inspection administration and techniques. Several revocations, revisions and additions to the existing provisions are proposed including the following: conditionally exempting certain devices from approval and inspection; harmonizing commodity and device limits of error; expanding tolerance tables for devices and measurement standards; removing or amending impediments to improved measurement technology and practice; authorizing new types of testing standards; and establishing limits of error for the new standards as well as devices tested with these standards.

*Anticipated Impact:* Although the number of revisions is large, no significant impact is expected for either device manufacturers or users. The implementation of this proposal will also allow for testing of a large number of devices in trade use that cannot be adequately tested at present.

*Statutory Authority:* Weights and Measures Act, R.S.C. 1985, c. W-6

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625

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203-CCAC**ELECTRICITY AND GAS INSPECTION – FEES AND CHARGES 1989**

Part X of the Electricity and Gas Inspection Regulations establishes various fees and charges for the verification of meter accuracy, and for the calibration of standards used to verify meters. It is proposed to increase these fees effective January 1, 1989, to better reflect costs involved, and to further stimulate accreditation of utilities to verify their own meters in accordance with departmental standards.

*Anticipated Impact:* Fees and charges were doubled in 1985 and again in 1987. Prior to 1985, fees and charges remained unchanged for 75 years. The proposed increase, which will be less than the two previous ones, may result in complaints from smaller electrical utilities which are unable to meet accreditation requirements.

*Statutory Authority:* Electricity and Gas Inspection Act, R.S.C. 1985, c. E-4

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* H.L. Fraser, Chief, Electricity and Gas Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-0635

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204-CCAC**ELECTRICITY AND GAS INSPECTION – FEES AND CHARGES 1990**

Part X of the Electricity and Gas Inspection Regulations establishes various fees and charges for the verification of meter accuracy, and for the calibration of standards used to verify meters. It is proposed to increase these fees effective January 1, 1990, to better reflect costs involved, and to further stimulate accreditation of utilities to verify their own meters in accordance with departmental standards.

*Anticipated Impact:* Fees and charges were doubled in 1985 and again in 1987. In 1989, fees and charges will be increased again by approximately 50 per cent. The proposed increase, which will be substantially less than the three previous ones, is unlikely to provoke any significant reaction.

*Statutory Authority:* Electricity and Gas Inspection Act, R.S.C. 1985, c. E-4

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* H.L. Fraser, Chief, Electricity and Gas Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-0635

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205-CCAC**ELECTRICITY AND GAS INSPECTION – MINOR AND TECHNICAL REVISIONS**

The Standing Joint Committee on Regulations and Other Statutory Instruments has identified a number of inconsistencies between English and French versions of the regulations, as well as some ambiguity related to section 30(3). This proposal addresses the concerns of the Committee and will clarify the meaning of the regulations.

*Anticipated Impact:* These are technical amendments to clarify meaning and ensure consistency, and will have no adverse impact.

*Statutory Authority:* Electricity and Gas Inspection Act, R.S.C. 1985, c. E-4

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* H.L. Fraser, Chief, Electricity and Gas Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-0635

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#### 206-CCAC

### ELECTRICITY AND GAS INSPECTION – TECHNICAL REVISIONS

A review of the regulations has identified several errors and technical inconsistencies as well as a number of procedural requirements which require amendment in order to facilitate effective and efficient implementation of the legislation. This proposal will serve to correct the deficiencies identified.

*Anticipated Impact:* These are technical amendments to clarify meaning, ensure consistency, and improve operational efficiency. They have no adverse impact.

*Statutory Authority:* Electricity and Gas Inspection Act, R.S.C. 1985, c. E-4

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* H.L. Fraser, Chief, Electricity and Gas Division, Legal Metrology Branch, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-0635

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#### 207-CCAC

### STATEMENT OF DISCOUNTING TRANSACTION – MINOR REVISIONS

The regulations under the Tax Rebate Discounting Act, prescribe a form, "Statement of Discounting Transaction" which is utilized by the public. In order to facilitate the capture of the data on the form by computer, several identifying numbers need to be placed on the form. There will be no charge to the substance of the form. As well, several inconsistencies between the English and French versions of the regulations will be corrected. Due to the minor nature of this change, consultation is not considered necessary from prepublication of the proposal in Part I, *Canada Gazette*.

*Anticipated Impact:* This is a technical amendment which will have no adverse impact.

*Statutory Authority:* Tax Rebate Discounting Act R.S.C. 1985, c. T-3

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Marion Clark, Administrator, Tax Rebate Discounting Act, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, Hull Quebec. K1A 0C9. Tel. (819) 953-3630

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### BUREAU OF CORPORATE AFFAIRS

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#### 208-CCAC

### CANADA BUSINESS CORPORATIONS – INSIDER TRADING REPORT

Forms 24 and 25 of schedule I to the Canada Business Corporations Regulations will be replaced with a single form for reporting initial reports of insider interests in the securities of corporations and changes of such interests. This will achieve uniformity with similar provincial reporting requirements.

*Anticipated Impact:* This will relieve insiders of federal corporations from having to file different reports in different jurisdictions. By arrangements currently being made with the provincial jurisdictions, the Uniform Report Form will be accepted by all jurisdictions.

*Statutory Authority:* Canada Business Corporations Act, R.S.C. 1985, c. 44, s. 261

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* F.H. Sparling, Director, Corporations Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec K1A 0C9. Tel. (819) 997-1058

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#### 209-CCAC

### CANADA BUSINESS CORPORATIONS – NAME SEARCH

Requirements with respect to corporate name search reports will be added to the regulations, since at the present time these requirements are only listed on applicable forms. Regulation 15, revoked by SOR/86-365, s. I will be replaced by a new rule modelled after the Ontario Business Corporations Act.

*Anticipated Impact:* Corporate name search requirements will be clearer if included in both the regulations and the applicable forms. Greater uniformity with provincial requirements will be achieved.



**Statutory Authority:** Canada Business Corporations Act, R.S.C. 1985, c. 44, s. 261

**Expected Date of Publication:** An exemption from prepublication has been requested in accordance with subsection 261(3) of the Canada Business Corporations Act

**Contact:** F.H. Sparling, Director, Corporations Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec K1A 0C9. Tel. (819) 997-1058

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## 210-CCAC

### CANADA BUSINESS CORPORATIONS – CORPORATE NAMES AND ARTICLES

Regulations respecting corporate names and filing of articles are in need of updating to clarify their intent. A redrafting of various forms is also required for clarification purposes. Regulations 27(1)(a), 27(1)(b) and 28(2) are affected, as well as all forms, particularly forms 3, 9, 10, 11, 14.1, 15, 17, 19, 20 and 26.

**Anticipated Impact:** This will clarify various requirements under the regulations in terms of format and contents of submissions or documents sent to or issued by the Director appointed under the act.

**Statutory Authority:** Canada Business Corporations Act, R.S.C. 1985, c. 44, s. 261

**Expected Date of Publication:** An exemption from prepublication has been requested in accordance with subsection 261(3) of the Canada Business Corporations Act

**Contact:** F.H. Sparling, Director, Corporations Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec K1A 0C9. Tel. (819) 997-1058

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## 211-CCAC

### CANADA BUSINESS CORPORATIONS – EXEMPT OFFER CIRCUMSTANCES

The amendment of section 58 of the Canada Business Corporations Regulations brings the federal requirements into harmony with the requirements of the provincial securities laws and various exchange rules and relieves offerors who propose purchasing shares of a corporation from some existing requirements, providing the offer is conducted through a stock exchange in compliance with current exchange regulations and notices are sent to shareholders resident in Canada and to the Director under the Canada Business Corporations Act.

**Anticipated Impact:** This amendment will harmonize the Canada Business Corporations Regulations with

the provincial Securities Regulations and Exchange Rules and thereby will harmonize the bid process for offerors.

**Statutory Authority:** Canada Business Corporations Act, R.S.C. 1985, c. 44, s. 261

**Expected Date of Publication:** Not in 1989

**Contact:** F.H. Sparling, Director, Corporations Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec K1A 0C9. Tel. (819) 997-1058

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## 212-CCAC

### CANADA BUSINESS CORPORATIONS – AMENDMENT TO FEES

The fee exemption for certificates corrected pursuant to subsection 265(1) is removed and a fee is imposed being the same fee as would be payable on the original issue of the certificate to be corrected.

The fee for the Director's two-part service in respect of exporting a corporation to another jurisdiction is transferred from the second part, that is, the issue of the Certificate of Discontinuance to the first and more substantive part of the service, that is, the issue of a Letter of Satisfaction.

**Anticipated Impact:** The correction fee will enable some cost recovery and discourage frivolous correction applications. The export fee amendment will better relate the fee to the service rendered and will reduce the number of unnecessary administrative actions in the Corporations Branch.

**Statutory Authority:** Canada Business Corporations Act, R.S.C. 1985, c. 44, s. 261

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

**Contact:** F.H. Sparling, Director, Corporations Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase II, 4th floor, 50 Victoria Street, Hull, Quebec K1A 0C9. Tel. (819) 997-1058

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## 213-CCAC

### CANADA BUSINESS CORPORATIONS – REVISION TO REGULATIONS

In view of the forthcoming proclamation in force of the Revised Statutes of Canada (1985), which date has yet to be determined, the Canada Business Corporation Regulations require revision in order to reflect the renumbering of the act, the new terminology in the French version and the elimination of archaic expressions and Latin terms in both English and French versions.

**Anticipated Impact:** It is necessary to proceed with such revision in order that the regulations correspond with the revised version of the act. No major impact is expected to result from these amendments.

**Statutory Authority:** Canada Business Corporations Act, R.S.C. 1985, c. 44, s. 261

**Expected Date of Publication:** An exemption from prepublication will be requested in accordance with subsection 261(3) of the Canada Business Corporations Act.

**Contact:** F.H. Sparling, Director, Corporations Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase II, 4th floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel. (819) 997-1058

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#### 214-CCAC

##### **PATENT – RULES TO IMPLEMENT BILL C-22**

Further changes to the Patent Rules pursuant to an Act to Amend the Patent Act will include the ratification of the Patent Co-operation Treaty, and rules which govern the collection of cost data pursuant to the compulsory licensing of drug patents.

**Anticipated Impact:** The ratification of the Patent Co-operation Treaty will bring Canada in line with most of the major industrialized countries' patent offices. The Patent Co-operation Treaty Regulations provide the bridge between the Patent Co-operation Treaty and the Patent Act and allow Canadians to file a single application with numerous designated countries as application targets. The introduction of regulations concerning information on the cost of making and marketing medicines will enable the Patented Medicine Prices Review Board to collect and examine such information when it is unable to determine, from examination of the factors specified in subsection 41.15(5) of the Patent Act, if a price is excessive.

**Statutory Authority:** Patent Act, R.S.C. 1985, c. P-4, s. 12

**Expected Date of Publication:** Ratification of the Patent Co-operation Treaty – Second Quarter, 1989, Part II, *Canada Gazette*; Compulsory Licensing–Fourth Quarter, 1989, Part I, *Canada Gazette*

**Contact:** F. Adams, Director, Operational Planning and Research, Intellectual Property Directorate, Consumer and Corporate Affairs Canada, Hull, Quebec, K1A 0C9. Tel. (819) 994-4779

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#### 215-CCAC

##### **INDUSTRIAL DESIGN – WITNESS REQUIREMENT**

The Industrial Design Rules require that an applicant's signature be witnessed by two individuals of legal age. This is an archaic and counterproductive requirement which will be removed from the rules.

**Anticipated Impact:** These are housekeeping regulations which will facilitate the filing of industrial design applications and which will allow applicants the choice of maintaining confidentiality in their applications.

**Statutory Authority:** Industrial Design Act, R.S.C. 1985, c. I-19, s. 19

**Expected Date of Publication:** Not in 1989

**Contact:** L. Steingarten, Director, Copyright and Industrial Design Branch, Intellectual Property Directorate, Consumer and Corporate Affairs Canada, Hull, Quebec, K1A 0C9. Tel. (819) 997-1725

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#### 216-CCAC

##### **INDUSTRIAL DESIGN – APPLICATIONS**

Sections 4, 6 and 7 of the Industrial Design Act will be amended to allow photographs as well as drawings to be submitted for examination and to eliminate the requirement to submit duplicate copies. Rules will be amended to reflect appropriate changes.

**Anticipated Impact:** These are housekeeping regulations which will prove to be more economical for applicants and which will bring Canada in line with the practices of the major industrialized countries.

**Statutory Authority:** Industrial Design Act, R.S.C. 1985, c. I-19, s. 19

**Expected Date of Publication:** Fourth Quarter, 1989, Part I, *Canada Gazette*

**Contact:** L. Steingarten, Director, Copyright and Industrial Design Branch, Intellectual Property Directorate, Consumer and Corporate Affairs Canada, Hull, Quebec, K1A 0C9. Tel. (819) 997-1725

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#### 217-CCAC

##### **TRADE MARKS – REVISION**

General amendment of the Trade Marks Regulations will be proposed in order to update the rules to reflect decisions and events of the last 20 years.

**Anticipated Impact:** These are procedural regulations which will bring Canada in line with the practices of the trade mark offices of the major industrialized countries.



*Statutory Authority:* Trade Marks Act, R.S.C. 1985, c. T-13, s. 65

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1990, Part II, *Canada Gazette*

*Contact:* J.H.A. Gariépy, Registrar of Trade Marks, Intellectual Property Directorate, Consumer and Corporate Affairs Canada, Hull, Quebec, K1A 0C9. Tel. (819) 994-4418

## 218-CCAC

### TIMBER MARKING ACT AND RULES – REPEAL

The Timber Marking Act applies only to floating timber on the inland waterways of three provinces: Ontario, Quebec and New Brunswick. As the majority of timber is now hauled either by train or truck or is self-contained within booms, the administration of the Timber Marking Act and Rules is no longer efficient or required. The Trade Marks Act may provide suitable alternative protection if any is required.

*Anticipated Impact:* Counterproductive regulations will be eliminated.

*Statutory Authority:* The Timber Marking Act, R.S.C. 1985, c. T-11

*Expected Date of Publication:* With the appeal of the act, existing regulations will also be repealed and no publication is required.

*Contact:* L. Steingarten, Director, Copyright and Industrial Design Branch, Intellectual Property Directorate, Consumer and Corporate Affairs Canada, Hull, Quebec, K1A 0C9. Tel. (819) 997-1725

## 219-CCAC

### TRADE MARKS – REGISTERED USERS

The Department is reviewing the trade marks system especially with respect to registered users. However, details of the possible changes are not available at the present time.

*Anticipated Impact:* The anticipated impact is dependent on the outcome of the review.

*Statutory Authority:* Trade Marks Act, R.S.C. 1985, c. T-13, s. 65

*Expected Date of Publication:* Not in 1989

*Contact Person:* J.H.A. Gariépy, Registrar of Trade Marks, Consumer and Corporate Affairs Canada, Phase I, Place du Portage, Hull, Quebec. K1A 0C9. Tel. (819) 997-4418

## 220-CCAC

### COPYRIGHT BOARD – REGULATIONS

The existing Copyright Appeal Board will be abolished and a new Copyright Board will be established. Its jurisdiction will be expanded to include all licensing bodies that carry on the business of collective administration of copyright for the benefit of those who authorize them to act on their behalf. The new Copyright Board will have all powers, rights and privileges as are vested in a superior court of record and will: 1. continue to fix the royalties which the performing rights societies may collect in return for granting licences for the performance in Canada of dramatico-musical or musical works, the repertoires of which they have acquired; 2. regulate other licensing bodies which administer rights other than public performing rights, provided that no agreement has been reached with users and on application only to the Board or at the request of the Director of Investigation and Research appointed under the Competition Act; 3. fix royalties and establish terms and conditions for the issuing of compulsory licences in cases where the owner of the copyright in a published work cannot be located; 4. eventually, fix royalties for the issuing of compulsory licences for retransmission of radio and television broadcasts. The Copyright Board will also make regulations generally governing its business.

*Anticipated Impact:* 1. For musical performing rights societies and their users, the new Board will have less impact than the previous Board to the extent that tariffs may be approved for periods longer than one year; 2. in other areas of copyright, the new Board will intervene only to arbitrate disputes and only on request; these were however not previously regulated; 3. the new compulsory licences will facilitate users access to works whose copyright owners cannot be located; 4. the new retransmission right will compensate copyright owners for the use of their works; however this right will require new payments for Canadian cable broadcasters. The regulations that the Board will make for the general conduct of its business will relate to its internal procedures.

*Statutory Authority:* An Act to amend the Copyright Act and to amend other Acts in consequence thereof (Bill C-60 as sanctioned on June 8, 1988); Bill C-130, An Act to implement the Free Trade Agreement between Canada and the United States of America, sections 56 to 60 (as introduced in the 33rd Parliament)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Sylvie Lachance, Special Assistant to the Assistant Deputy Minister, Consumer and Corporate Affairs Canada, Ottawa, Ontario, K1A 0C9. Tel. (416) 648-4199

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## BUREAU OF POLICY CO-ORDINATION

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221-CCAC

### LOBBYIST REGISTRATION REGULATIONS

Lobbyists will be expected to register certain information in conformity with the Lobbyists Registration Act. The regulations will include the format of registration for two categories of lobbyists and will provide detail on the procedure for registration, access to the registers and fees to be charged for services, etc.

*Anticipated Impact:* It is estimated that registration for lobbyists in Tier I will occur whenever any new client or subject matter is added, or dropped. In Tier II, registration will be once a year unless significant changes occur. There is no fee to register. Paperwork for lobbyists to register is intended to be minimal and cost implications modest. Fees will be prescribed for copies of the Registry and other services which may be offered.

*Statutory Authority:* The Lobbyists Registration Act as introduced in the 33rd Parliament.

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* T. Gussman, Senior Policy Analyst, Legislative Review Branch, Consumer and Corporate Affairs Canada, Phase I, Place du Portage, Hull, Quebec K1A 0C9. Tel. (819) 997-2195

that expenses incurred by participants, to be reimbursed under the regulations, will be modest. All expenses of the Board will ultimately be charged to Canada Post Corporation.

*Statutory Authority:* The Postal Services Review Act introduced in the 33rd Parliament.

*Expected Date of Publication:* Second Quarter 1989, Part I, *Canada Gazette*; Second Quarter, Part II, *Canada Gazette*

*Contact:* M. Leblanc, Policy Analyst, Consumer and Corporate Review Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9.

222-CCAC

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### POSTAL SERVICES REVIEW REGULATIONS

The Postal Services Review Act provides for the establishment of the Postal Services Review Board which can make procedural rules regarding its operations. The regulations will prescribe the conduct of public hearings, the procedure before the Board, the format of applications, the disclosure of information, the rules regarding meetings of the Board, the reimbursement of expenses incurred by participants at public hearings and the rules with respect to the operations of the local Postal Service Customer Councils.

*Anticipated Impact:* The proposal should foster user participation in the review of postal rates and services as well as promoting the development of an efficient and competitive postal service. Independent review of planned changes to postal rates and services will be effected through the Board and, on a regional level, through the Customer Councils. It is intended that the procedural rules be as informal as possible to encourage maximum participation. The fees, if any, will be minimal. It is also expected





# ELECTIONS CANADA

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TARIFFS OF FEES ..... 223-ELC





## Roles and Responsibilities

The Chief Electoral Officer is responsible for the general direction of and supervision over, the preparation, administration and reporting aspects of federal elections and the election expenses provisions of the Canada Elections Act. He or she must also ensure that all those involved in the electoral process comply with the Act. The Chief Electoral Officer is appointed by the House of Commons to which he or she is directly accountable and communicates with the Governor in Council through the member of the Queen's Privy Council for Canada designated by the Governor in Council for that purpose (currently the President of the Privy Council).

Enforcement of the provisions of the Canada Elections Act is carried out by the Commissioner of Canada Elections under the general supervision of the Chief Electoral Officer by whom the Commissioner is appointed.

The Chief Electoral Officer also provides the necessary data and assistance to enable the electoral boundaries commissions to discharge their responsibilities under the Electoral Boundaries Readjustment Act with respect to each province's representation in the House of Commons.

The Canada Elections Act contains no provisions for the making of regulations. The Chief Electoral Officer is, however, given the unusual power to adapt the Act during the course of an election. In this way, the electoral process is free from political interference or even the appearance of it.

payments made under the tariffs could well exceed \$75 000 000.

*Statutory Authority:* Canada Elections Act, R.S.C. 1985, c. E-2

*Expected Date of Publication:* It is anticipated that the Tariffs of Fees will be published in Third Quarter, 1989, *Canada Gazette*.

*Contact:* F.B. Slattery, Director, Election Financing Branch, Elections Canada, 440 Coventry Road, Ottawa, Ontario, K1A 0M6. Tel. (613) 993-2975

## Legislative Mandate

Canada Elections Act  
Electoral Boundaries Readjustment Act

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223-ELC

### TARIFFS OF FEES

The Canada Elections Act stipulates that upon the recommendation of the Chief Electoral Officer, the Governor in Council may make tariffs of fees, costs, allowances and expenses to be paid and allowed to Returning Officers, Special Returning Officers and other persons employed at, or in respect of, elections under the Canada Elections Act and its Special Voting Rules.

*Anticipated Impact:* The impact of these statutory instruments varies from year to year depending on what electoral activities are undertaken during the year. Each year the Tariffs of Fees are reviewed in order to avoid having to recommend substantial increases close to a general election, as well as to provide adequate remuneration to those providing services at by-elections. During an election year the





# EMPLOYMENT AND IMMIGRATION CANADA

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## Roles and Responsibilities

The passage of Bill C-27, the Employment and Immigration Reorganization Act, in 1977, created the Canada Employment and Immigration Commission by integrating the Unemployment Insurance Commission and the Department of Manpower and Immigration. The legislation also created the Department of Employment and Immigration which provides services to the Commission and the Minister. The Commission and the Department together are titled Employment and Immigration Canada (EIC).

The objective of the Employment and Insurance Programs is "to further the attainment of national economic and social goals by realizing the full productive potential of Canada's human resources, while supporting the initiatives of individuals to pursue their economic needs and, more generally, their self-fulfillment through work."

The Immigration Program recruits, admits and helps in the adaptation of people deemed suitable residents, citizens, workers and visitors for Canada, and protects Canadians against the entry of undesirable non-Canadians. In these endeavours, officials of the Commission/Department work with federal government departments, the provinces and the private sector.

## Legislative Mandate

The following legislation is administered by Employment and Immigration Canada.

- The Employment and Immigration Reorganization Act
- The Employment Equity Act and Regulations
- The Immigration Act and Regulations
- The Immigration Exemption Regulations
- The Immigration Visa Exemption Regulations
- The Indochinese Designated Class Regulations
- The Mobility Regulations and the Labour Mobility and Assessment Incentives Regulations
- The National Employment Service Regulations
- The National Training Act and Regulations
- The Political Prisoners and Oppressed Persons Designated Class Regulations
- The Refugee Claims Backlog Regulations
- The Self-Exiled Persons Class Regulations
- The Unemployment Insurance Act and Regulations

### 224-EIC

#### **IMMIGRATION REGULATIONS, 1978 – APPLICATIONS FOR PERMANENT RESIDENCE FROM WITHIN CANADA**

The Immigration Visa Exemption Regulations provide relief from the requirement that immigrant visas be applied for and obtained from outside Canada. When an exemption has been granted, an application for permanent residence can be assessed from within Canada. Applications may be refused if the applicant fails to meet requirements set out in the act. It is less clear, however, whether all the usual regulatory requirements for immigrant selection apply to applications made in Canada as well as to those made overseas, because these requirements are worded in the context of applications submitted outside Canada. The proposed amendments would ensure that the same requirements that apply to persons abroad also apply to applicants in Canada.

*Anticipated Impact:* They are intended to clarify provisions that may be ambiguous or misleading, and to ensure firm legal support for long-established practices and have no financial implications.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114(1)(a), (b), (c) and (1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter 1989, Part II, *Canada Gazette*

*Contact:* S. Schatz, Program Specialist, Admission Procedures, Immigration Program Management Branch, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-1678

### 225-EIC

#### **IMMIGRATION REGULATIONS, 1978 – HOLDERS OF OFFICIAL, SPECIAL AND SERVICE, PASSPORTS**

Canada has signed reciprocal agreements with a number of countries to exempt holders of valid and subsisting official, special and service passports from normal visitor visa requirements. The exemption applies whether the holders of such passports are on official duty or not. Over the years, it has been necessary to withdraw the visa-exempt privilege formerly accorded the citizens of a number of these countries. Thus, Canada no longer has the legal basis upon which to honour the reciprocal agreements. To resolve the conflict between the Immigration Regulations, 1978 and the agreements, in the interest of international relations schedule II to the regulations will be amended to grant, as appropriate, holders of valid and subsisting official, special and service passports a visitor visa exemption no matter what the purpose of the visit may be.



*Anticipated Impact:* The impact on Canadian society will be minimal. The primary impact will be on government officials from countries with which Canada has entered or may enter into reciprocal agreements. Canadian government officials holding comparable passports and their families will benefit from this reciprocity in that they will be accorded corresponding exemptions from visa requirements. There are no financial implications. In keeping with paragraph 6 of the Citizens' Code of Regulatory Fairness, the amendment establishes a proper legal basis for a long-standing practice that would otherwise be left without a secure foundation in law.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 9(1) and 114(1)(jj)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* c. Pascoe, Program Specialist, Enforcement Procedures, Immigration Program Delivery, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-6314

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#### 226-EIC

### IMMIGRATION REGULATIONS, 1978 – TRANSPORTATION LOANS

The Ministerial Task Force on Program Review decided to restrict eligibility and allow loans only to Convention refugees, members of Designated Classes, and Special Program persons (that is, persons in quasi-refugee situations selected according to special criteria) applying overseas and bringing their family members to Canada. It was also decided that interest charges on transportation, assistance and admissibility loans are to be applied three years after a loan has been received, on the balance owing at that time.

*Anticipated Impact:* Approximately 63,500 persons were granted permanent residence in 1987 under family reunification programs. Had the proposed amendment been in place during 1987, approximately 52,700 persons would not have been eligible to receive a transportation loan. None of the people permitted to leave Vietnam by the Vietnamese government under the family reunification program would have been eligible. The cash outlay of the Canadian government would have been reduced, but it would also have lost the interest accrued. The immigrants, if not eligible to use the Canadian Loan Program, would not have been able to take advantage of the reduced Intergovernmental Committee for Migration transportation rates, and would have had to pay twice as much. Also, in the case of the Vietnamese, if the sponsor or immigrant did not have the funds available for travel during the validity of the Vietnamese exit permit, lengthy delays (in months) in reunification of the family in Canada

could result. Experience has demonstrated that the earlier a refugee is joined by spouse and children, the earlier the refugee becomes a producing member of society.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114(l)(u)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.G. Latimer, Chief, Transportation Programs, Refugee Affairs and Settlement Branch, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-4182

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#### 227-EIC

### IMMIGRATION REGULATIONS, 1978 – SELF-EMPLOYED IMMIGRANTS

It is proposed to establish a condition that may be imposed on the admission of self-employed immigrants, namely, that the individual must, within a specified period of time, establish or purchase a business in Canada that will create an employment opportunity for himself or herself.

*Anticipated Impact:* This condition will benefit the Canadian economy by ensuring that persons selected as self-employed workers will not enter the labour force at large but will become self-employed. This will further strengthen the infrastructure of the Canadian economy.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114(1)(jj)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* L.B. Ferguson, Director, Program Development, Immigration Policy Branch, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-6351

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#### 228-EIC

### IMMIGRATION REGULATIONS, 1978 – IMMIGRANT INVESTORS

It is proposed to clarify the provisions governing investment options available under the Immigrant Investor Program, the size of businesses eligible for investment, and the activities for which investor funds may be used. These clarifications are necessary to support revisions to the Immigrant Investor Program introduced in 1988.

*Anticipated Impact:* Revisions to the Immigrant Investor Program in 1988 were made following consultations with the provinces and the business community. The revised program came into effect on April 1, 1988. Since that time, the federal and provincial governments, the business community and potential immigrant investors have been governed by program guidelines released in June, 1988. Amendments to the regulations will strengthen the June, 1988 program guidelines. They will ensure that funds made available through the program are directed to the small business community so that it can grow and create jobs for Canadians. They will also streamline program administration and control and enhance the development and marketing of investment proposals.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114(1)(a) and (jj)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 229-EIC

### IMMIGRATION REGULATIONS, 1978 – DEFINITION OF “ASSISTED RELATIVE”

An assisted relative is a person on whose behalf a relative has submitted an undertaking of support. It is proposed to amend the definition of “assisted relative” to require such persons to be prescreened under the selection criteria for independent immigrants before an undertaking is made. This would ensure that undertakings of support are accepted only on behalf of applicants who actually need support and who have a reasonable chance of success. Prescreening eliminates unnecessary work in cases where refusal is virtually automatic because of inability to meet the existing point system. As a result, false expectations are not raised. It also ensures that guarantors need not pay unnecessary cost recovery fees.

*Anticipated Impact:* There is no impact on Canadian society and no financial costs. The amendment establishes a proper legal basis for the long-standing practice of prescreening applicants before accepting undertakings of assistance from a guarantor.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114 (1)(a) and (1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 230-EIC

### IMMIGRATION REGULATIONS, 1978 – CONFORMITY WITH REVISED STATUTES, 1985

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the regulations that refer to renumbered sections of the act or use replaced terminology must be adjusted.

*Anticipated Impact:* Adjustment of the regulations will make them easier to understand and use for all concerned, and will ensure that their subject matter continues to have secure legal foundation.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114(1)

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

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## 231-EIC

### IMMIGRATION REGULATIONS, 1978 – VISITOR VISA EXEMPTIONS

In the event of abuse of the Immigration Act by non-genuine visitors from a specific country or the use of fraudulent documents from a specific country because of its visa-exempt status, it may become necessary to amend the regulations to cancel the visa-exempt status of citizens of such countries.

*Anticipated Impact:* Removal from the visa exempt list is a reactive measure implemented to counteract abuse of the Immigration Act by non-genuine visitors from the country named or the use of fraudulent documents from the country named because of its visa exempt status. Direct impact on Canadians would be minimal.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 9(1) and 114(1)(jj)

*Expected Date of Publication:* Exemption cancellations will be dealt with on an ad hoc basis.

*Contact:* D. MacKay, Chief, Immigration Control, Control Policy Directorate, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-5358



## 232-EIC

**IMMIGRATION ACT, 1976 FEES  
REGULATIONS – NEW AND MODIFIED FEES**

These regulations currently prescribe the amounts and conditions under which processing fees can be levied for Canadian immigration services. It is planned to expand the range of chargeable services, to set fees closer to the real cost of providing the applicable services and to correct deficiencies in wording that jeopardize the intent of the regulations.

*Anticipated Impact:* Some immigration services, which have been provided free of charge to the public previously, will have processing fees attached to them. Also, the four services now charged for may have higher fees attached to them. Fees will not affect the present composition or volume of immigration traffic.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19(a); Immigration Act, R.S.C. 1985, c. I-2, s. 114(1)(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 233-EIC

**IMMIGRATION ACT, 1976 FEES REGULATIONS  
– CONFORMITY WITH REVISED STATUTES, 1985**

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the regulations that refer to renumbered sections of the act or use replaced terminology must be adjusted.

*Anticipated Impact:* Adjustment of the regulations will make them easier to understand and use for all concerned, and will ensure that their subject matter continues to have secure legal foundation.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19(a); Immigration Act, R.S.C. 1985, c. I-2, s. 114(1)(1)

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

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## 234-EIC

**INDOCHINESE DESIGNATED CLASS  
REGULATIONS – CONFORMITY WITH REVISED  
STATUTES, 1985**

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the regulations that refer to renumbered sections of the act or use replaced terminology must be adjusted.

*Anticipated Impact:* Adjustment of the regulations will make them easier to understand and use for all concerned, and will ensure that their subject matter continues to have secure legal foundation.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114.(1)(d),(e) and (1)

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.H. Brush, Legislative Coordinator, Immigration, Employment and Immigration Canada, 10th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-2217

## 235-EIC

**SELF-EXILED PERSONS CLASS REGULATIONS  
– CONFORMITY WITH REVISED STATUTES, 1985**

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the regulations that refer to renumbered sections of the act or use replaced terminology must be adjusted.

*Anticipated Impact:* Adjustment of the regulations will make them easier to understand and use for all concerned, and will ensure that their subject matter continues to have secure legal foundation.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114.(1)(d),(e) and (1)

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.H. Brush, Legislative Coordinator, Immigration, Employment and Immigration Canada, 10th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-2217

## 236-EIC

**POLITICAL PRISONERS AND OPPRESSED  
PERSONS DESIGNATED CLASS REGULATIONS  
– CONFORMITY WITH REVISED STATUTES, 1985**

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the regulations

that refer to renumbered sections of the act or use replaced terminology must be adjusted.

*Anticipated Impact:* Adjustment of the regulations will make them easier to understand and use for all concerned, and will ensure that their subject matter continues to have secure legal foundation.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114.(1)(d),(e) and (1)

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

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## 237-EIC

### IMMIGRATION EXEMPTION REGULATIONS

The Immigration Regulations stipulate that prospective immigrants must meet certain requirements before an immigrant visa can be issued. The Immigration Exemption Regulations provide relief from these requirements on behalf of persons who, for various reasons, are unable to comply for landing in Canada. Submissions go forward on a continuing basis and involve mainly humanitarian and/or compassionate grounds.

*Anticipated Impact:* Each of these regulations individually has little impact on the economy and the general public. In conjunction with the Immigration Visa Exemption Regulations, the series of regulations benefit between 35,000 and 40,000 applicants for permanent residence in Canada per calendar year.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 114(2)

*Expected Date of Publication:* These regulations, consisting exclusively of multipage lists of named individuals, are published in the *Canada Gazette*, Part II, on a continuing basis.

*Contact:* A/Head, Orders in Council Section, Case Review Directorate, Immigration Program Management Branch, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-6282

## 238-EIC

### IMMIGRATION VISA EXEMPTION REGULATIONS

Subsection 9(1) of the Immigration Act requires all immigrants to apply for and obtain an immigrant visa before arriving at a Canadian port of entry. These regulations provide relief from immigrant visa requirements for persons already in Canada and

mainly involve humanitarian and/or compassionate considerations. These are a series of regulations going forward on a continuing basis.

*Anticipated Impact:* Each of these regulations individually has little impact on the economy and the general public. In conjunction with the Immigration Exemption Regulations, the series of regulations benefit between 35,000 and 40,000 applicants for permanent residence in Canada per calendar year.

*Statutory Authority:* Immigration Act, R.S.C. 1985, c. I-2, s. 9(1) and 114(1)(jj)

*Expected Date of publication:* These regulations, consisting exclusively of multipage lists of named individuals, are published in the *Canada Gazette*, Part II, on a continuing basis.

*Contact:* A/Head, Orders in Council Section, Case Review Directorate, Immigration Program Management Branch, Employment and Immigration Canada, 9th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-6282

## 239-EIC

### UNEMPLOYMENT INSURANCE REGULATIONS – SUPPLEMENTAL UNEMPLOYMENT BENEFIT

Currently, paragraph 57(3)(d) of the Unemployment Insurance Regulations stipulates that monies paid to a claimant from an employer through a Supplemental Unemployment Benefit (SUB) plan, approved by the Commission for this purpose, are not to be considered earnings for benefit purposes. However, the paragraph fails to identify what constitutes an approved SUB plan. The proposed inclusion in section 57 of a definition of a SUB plan and the criteria that would be used to determine whether a plan is a SUB plan for the purpose of the Commission, would provide the Commission with the authority to administer the plan. The plan will undergo a change from the current submission for approval process to a system whereby the Commission will decide whether or not a plan falls under the regulatory definition of a SUB plan.

*Anticipated Impact:* The amendment will remove the potential risk of paragraph 57(3)(d) being declared ultra vires. There would be no financial impact. The amendment will have little effect on employers who maintain SUB plans or on those who benefit from such plans.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58(q) and (r)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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Phase IV, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 994-4977

#### 240-EIC

### UNEMPLOYMENT INSURANCE REGULATIONS – SCHEDULED OFF-WORK PERIODS

The Unemployment Insurance Regulations contain provisions to prevent payment of benefits to some insured persons who regularly work a greater number of hours, days, etc., than are normally worked by full-time employees. Unemployment insurance benefits are then not payable during off work periods to which these persons are entitled under their contract of service by reason of the greater number of hours worked. These provisions are found in subsections 37(3) and 42(4) of the Unemployment Insurance Regulations.

The purpose of the amendments is mainly to correct two situations that have recently arisen. Some contracts of service have been superficially changed in order to replace "paid leave period" by other expressions such as "period of unemployment," "leave without pay or work sharing" or other similar expressions. Consequently, these insured persons would be entitled to unemployment insurance benefits even though they work the same number of hours, days, etc., as before, without any reduction in their income, with earnings formerly applied to the period of leave being now integrated with their hourly rate. This practice would constitute an abuse of the Unemployment Insurance Program.

On the other hand, other workers are not entitled to benefit for a complete week even though the leave covers only a part of that week, i.e., one or two days. Present regulations would, in such a situation, create an inequity.

*Anticipated Impact:* The amendment would only confirm the present rules which provide that benefits should not be paid for a period of unemployment or leave when such a period is deliberately created as a result of an employer/employee agreement and where there is no loss of income for the insured person.

On the other hand, it would correct the inequity for those persons having their benefits refused for a complete week because of a very short period of leave in that week, although their number is not presently known.

*Statutory Authority:* Unemployment Insurance Act, 1971, R.S.C. 1985, c. U-1, s. 58(d) and 58(r)

*Expected Date of Publication:* First quarter, 1989, Part I, *Canada Gazette*; Second quarter, 1989, Part II, *Canada Gazette*

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#### 241-EIC

### UNEMPLOYMENT INSURANCE REGULATIONS – HOUSEKEEPING AMENDMENTS

Periodically, a list of potential housekeeping amendments becomes long enough to warrant making changes, which is the case here.

*Anticipated Impact:* Since the changes are merely housekeeping in nature, there will be no impact.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

Contact: G. Grenon, Senior Policy Advisor, Insurance, Employment and Immigration Canada, 11th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 997-8625

#### 242-EIC

### UNEMPLOYMENT INSURANCE REGULATIONS – WORKERS' COMPENSATION

Some provinces have changed their legislation in such a way that the terminology used in the unemployment insurance legislation can no longer be applied to certain provincial payments.

It is proposed to amend paragraphs 57(2)(b) and (3)(a) of the Unemployment Insurance Regulations.

*Anticipated Impact:* The amendment would make it clear which workers' compensation payments are earnings for benefit purposes and which are not.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1 s. 58(q)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

Contact: J. Trainor, Senior Policy Advisor, Insurance, Employment and Immigration Canada, 11th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 997-8627

## 243-EIC

**UNEMPLOYMENT INSURANCE REGULATIONS – RESIDENTS OUTSIDE CANADA**

Section 54 of the Unemployment Insurance Regulations provides exceptions to the general rule that benefits are not payable to claimants who are resident either temporarily or permanently outside of Canada. The exceptions may be expanded to include instances such as a claimant attending a funeral of a relative, accompanying a sick child or relative to a medical institution, visiting a sick relative, seeking employment, attending a job interview or recovering from illness or injury.

*Anticipated Impact:* The amendment will allow for a more human and equitable policy than is currently possible under existing rules. Program costs would increase slightly.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U 1, s. 45

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 244-EIC

**UNEMPLOYMENT INSURANCE REGULATIONS – FARMERS' NET INCOME FOR UNEMPLOYMENT INSURANCE PURPOSES**

For farmer-claimants self-employed less than full-time, the proposal is to reduce from 35 per cent to 15 per cent of their gross returns the amount to be treated as earnings for deduction from unemployment insurance benefits payable. This is to recognize farmers' declining net income in recent years due to poor economic conditions. The proposal should be effective in the summer of 1989. No sunset provision is applicable.

*Anticipated Impact:* The maximum financial impact is estimated at 10 million dollars annually. However, the proposal is considered to be socially desirable since it recognizes the need to maintain adequate income replacement levels while unemployed.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58(q)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 245-EIC

**UNEMPLOYMENT INSURANCE REGULATIONS – RECORD OF EMPLOYMENT**

Pursuant to section 35 of the Unemployment Insurance Regulations, employers are required to complete a Record of Employment (ROE) in quadruplicate on a form supplied by the Commission when, for example, there is a lay-off or separation from employment or the employee reaches the age of 65. The amendments would enable large employers and payroll service bureaus with computerized payrolls who meet Commission criteria to issue the required employment history data to their employees on their own computer paper and to forward to CEIC the current ROE "third copy" data on magnetic media.

*Anticipated Impact:* The amendments, which result from representations made by the employer community, should result in savings of time and money for some employers and payroll service bureaus.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58(o)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* P.-Y. Goyer, Senior Policy Advisor, Insurance, Employment and Immigration Canada, 11th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-6044

## 246-EIC

**UNEMPLOYMENT INSURANCE REGULATIONS – CHANGES TO THE UNEMPLOYMENT INSURANCE REGIONAL BOUNDARIES**

Since January 1979, Canada has been divided into 48 economic regions for the purposes of administering the regionally differentiated provisions of the Unemployment Insurance (UI) Act. These provisions include the 10- to 14-week variable entrance requirements (subsection 17(6) of the act); exemption from the special entrance requirements applicable to repeaters (subsection 17(5) of the act); and entitlement to regional extended benefits (section 35 of the act). Under these provisions, eligibility for and entitlement to UI benefits are determined by a three-month UI economic region in which the UI claimant resides. These unemployment rate estimates are provided monthly by Statistics Canada as a by-product of the Labour Force Survey. The 48 UI economic regions are defined in schedule II of the UI Regulations. As a result of a study which is



currently in progress, many of the current 48 UI economic regions are likely to undergo changes.

*Anticipated Impact:* The cost implications for the unemployment insurance account in general will depend on the evolution of unemployment rates in the regions in which changes are made.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58(t)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* B. Sutet, Director, UI Analysis Directorate Policy and Program Analysis, Strategic Policy and Planning, Employment and Immigration Canada, 8th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-4850

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#### 247-EIC

### UNEMPLOYMENT INSURANCE REGULATIONS – REVISION OF EARNINGS DEFINITION PROVISIONS

The Justice section of the Privy Council Office initiated a project to revise section 57 of the Unemployment Insurance Regulations defining the earnings to be considered for benefit purposes. The revision is needed to streamline the various provisions of section 57 to make them clear and consequently easier to understand and apply. The Canada Employment and Immigration Commission is co-operating in this initiative.

*Anticipated Impact:* This revision will in no way change the legislative policy and intent and, therefore, will not have any financial impact. Since streamlining and clarity are the object of the exercise, the revision will improve administration.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58(q) and (r)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 248-EIC

### UNEMPLOYMENT INSURANCE REGULATIONS – INTEGRATION OF THE ALLOCATION PROVISIONS ON MONIES PAYABLE AT SEPARATION FROM EMPLOYMENT

Three regulatory provisions presently exist to allocate separation monies at the rate of a claimant's normal weekly earnings from employment; subsection 58(5) for retroactive compensation for lost employment; paragraph 58(13)(b) for vacation pay; and subsection 58(10.1) for all other monies payable at separation from employment. A problem of interpretation arises whenever more than one of these provisions applies from the same separation from employment. These provisions can be interpreted as providing for simultaneous allocations as opposed to the true intent of consecutive allocation until exhaustion of all separation monies. Integration of the regulatory provisions will bring clarification and reaffirm their intent.

*Anticipated Impact:* The amendment merely clarifies the intent of the three regulatory provisions in question and therefore will have no impact.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 58(q) and (r)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter 1990, Part II, *Canada Gazette*

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#### 249-EIC

### UNEMPLOYMENT INSURANCE ORDERS – 1990 PREMIUM RATES

The Canada Employment and Immigration Commission is required to fix the annual premium rates with the concurrence of the Minister of Finance and subject to the approval of the Governor in Council. This is normally done by way of an order.

*Anticipated Impact:* This order would stipulate what the applicable premium rates would be for 1990.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 62

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

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250-EIC**UNEMPLOYMENT INSURANCE – EXPENDITURE  
CEILINGS FOR UNEMPLOYMENT INSURANCE  
DEVELOPMENTAL USES (1990)**

This regulation seeks approval for 1990 benefit expenditure limits under Unemployment Insurance Developmental Uses (Work Sharing, Job Creation and Training).

*Anticipated Impact:* These programs, which provide support to approximately 100 000 participants annually, will cease operation without the approval of the recommended funding levels.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 37, 38 and 39

*Expected Date of Publication:* Fourth Quarter, 1989, Part II *Canada Gazette*

*Contact:* D. Aucoin, Chief, Unemployment Insurance Policy Analysis, Employment and Immigration Canada, 8th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9.  
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251-EIC**NATIONAL TRAINING REGULATIONS – RATE OF  
TRAINING ALLOWANCES**

Sections 5, 6, 8 and 9 of the National Training Regulations prescribe the rate of training allowances that may be payable to an adult who is being trained in a course. It is planned to correct perceived inequities between rates prescribed for courses taken in a province and in the Yukon or the Northwest Territories and to revise current rates in relation to other income support measures.

*Anticipated Impact:* Preliminary analysis has not progressed far enough to permit any assessment of possible impacts.

*Statutory Authority:* National Training Act, R.S.C. 1985, c. N-19, s. 5

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* J. Greenwood, Director, Income Support Division, Program Development Branch, Employment and Immigration Canada, 4th Floor, Place du Portage, Phase IV, Ottawa, Ontario, K1A 0J9. Tel. (819) 994-3378





# ENERGY, MINES AND RESOURCES CANADA

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## Roles and Responsibilities

The Department of Energy, Mines and Resources was established in 1966 by the Government Organization Act to enhance the discovery, development and use of the country's mineral and energy resources and to broaden our knowledge of Canada's land mass. The Department is organized under three programs: 1) Energy, 2) Minerals and Earth Sciences and 3) Administration.

The Energy Program has five fundamental objectives: 1) economic growth through development of energy resources, 2) energy security and self-sufficiency, 3) enhanced Canadian participation, 4) fair treatment and 5) a stable planning environment.

The Minerals and Earth Sciences Program is responsible for developing mineral policies and strategies, and for providing timely earth-science information, technology and expertise relative to Canada's land mass, mineral and energy resources.

The Administration Program provides executive direction for the co-ordination of departmental operations and appropriate management services and processes.

The Department of Energy, Mines and Resources is responsible for the administration of a number of statutes. The regulations made pursuant to the statutes govern activities ranging from offshore drilling operations to the setting of examinations for candidates seeking to become Canada Land Surveyors.

## Legislative Mandate

The following legislation is administered by the Department of Energy, Mines and Resources:

- Arctic Waters Pollution Prevention Act
- Atomic Energy Control Act
- Canadian Home Insulation Program Act
- Canada Lands Surveys Act
- Canada-Newfoundland Atlantic Accord Implementation Act
- Canada-Nova Scotia Oil and Gas Agreement Act
- Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act
- Canada Petroleum Resources Act
- Canadian Exploration and Development Incentive Program Act
- Canadian Exploration Incentive Program Act
- Canadian Ownership and Control Determination Act
- Cooperative Energy Act
- Department of Energy, Mines and Resources Act
- Energy Administration Act
- Energy Monitoring Act
- Energy Supplies Emergency Act, 1979
- Explosives Act

- Home Insulation (Nova Scotia and Prince Edward Island) Program Act
- International Boundary Commission Act
- Motor Vehicle Fuel Consumption Standards Act
- National Energy Board Act
- Nuclear Liability Act
- Oil and Gas Production and Conservation Act
- Oil Substitution and Conservation Act
- Petro-Canada Act
- Petroleum Incentives Program Act
- Provincial Boundaries Acts
- Public Lands Grants Act
- Resources and Technical Surveys Act

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### 252-EMR

#### **EXPLOSIVES ACT – MODERNIZATION OF EXPLOSIVES-FACTORY RULES AND REGULATIONS**

There is an ever growing need to modernize the rules and regulations respecting safety in the manufacture of explosives. The current regulations date from the early days of this century. Within the last twenty or so years, there have been very rapid advances in technology, primarily in new types of explosive substances and articles, and in the use of increasingly more complex automatic equipment and techniques. It is proposed to review manufacturing procedures over the next few years.

*Anticipated Impact:* Manufacturers will be the only ones affected by this review which will be done in conjunction with them and outside consultants.

*Statutory Authority:* Explosives Act, R.S.C. 1985, c. E-17, s. 5

*Expected Date of Publication:* Fourth Quarter, 1989, Part I *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* R. Shaw, Chief Inspector of Explosives, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-8416

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### 253-EMR

#### **EXPLOSIVES ACT – PURCHASE AND POSSESSION OF LARGE QUANTITIES OF BLASTING EXPLOSIVES**

Current regulations allow the purchase on a Purchase and Possession Permit, of large quantities of blasting explosives for use within 24 hours. Because this privilege frequently has been abused or has resulted in unacceptable quantities of explosives stored in a manner hazardous to public safety, it is proposed to revoke this privilege.



*Anticipated Impact:* There will be no significant impact on the majority of users of blasting explosives because most have proper storage magazines licensed either federally or provincially. Farmers and other infrequent purchasers of small quantities will still be able to purchase enough for their needs by furnishing proof of identity. The few construction companies which respected the 24-hour usage limit on large quantities will be affected as henceforth they will have to obtain a federal magazine licence yearly.

*Statutory Authority:* Explosives Act, R.S.C. 1985, c. E-17, s. 5

*Expected Date of Publication:* Third Quarter 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Shaw, Chief Inspector of Explosives, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
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#### 254-EMR

### EXPLOSIVES ACT – MIXING OF AMMONIUM NITRATE AND FUEL OIL

The present Ammonium Nitrate and Fuel Oil Order, C.R.C., c. 598, restricts the mixing of ammonium nitrate and fuel oil (ANFO) to open-pit mine and quarry-work sites. Since the mixture, ANFO, is a cheap effective explosive which can be mixed safely at other work sites, it is proposed to extend the range of users who may mix ANFO under certain specific conditions to be established by revoking the order and replacing it with a regulation.

*Anticipated Impact:* The impact will benefit the economy by lowering the costs of operations for many companies. However, there will be an adverse impact on distributors of explosives selling factory-mixed ANFO, as their markets will likely shrink.

*Statutory Authority:* Explosives Act, R.S.C. 1985, c. E-17, s. 5

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Shaw, Chief Inspector of Explosives, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
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#### 255-EMR

### EXPLOSIVES ACT – REGULATIONS ON CLASSIFICATION FOR TRANSPORT

The system of classifying explosives for regulatory purposes under the Explosives Act is an old system based in part on the chemical nature of the explosives. The United Nations has recommended a system of classifying explosives packaged for shipment that correlates better with hazard than does the old system. NATO and the Canadian Forces have adopted the UN system, not only for transport but also for storage, and Transport Canada has developed regulations based on the UN system. It is proposed to introduce the UN system into the explosives regulations as a supplement to the old system.

*Anticipated Impact:* The UN system will make it easier to explain transportation and storage safety requirements to industry. It will also, for the same reason, simplify rule making.

*Statutory Authority:* Explosives Act, R.S.C. 1985, c. E-17, s. 5

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Shaw, Chief Inspector of Explosives, Energy, Mines and Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
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#### 256-EMR

### EXPLOSIVES ACT – MODERNIZATION OF FORMS FOR LICENCES AND PERMITS

As part of the modernization of office procedures, the formats and applications for licences, designed in 1920, will be revised to reflect both changes in procedures and the use of modern office equipment. Since the forms are prescribed in the explosives regulations, the proposed changes will require an amendment of these regulations.

*Anticipated Impact:* The proposed changes will simplify and reduce the number of forms, both facilitating their understanding by applicants and decreasing the time required for completion by the Explosives Branch.

*Statutory Authority:* Explosives Act, R.S.C. 1985, c. E-17, s. 5

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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257-EMR

**OFFSHORE MINING**

There has been increasing interest in developing offshore minerals such as sand, gravel and placer gold in recent years. However, existing regulations were not designed for the offshore, which has resulted in an unattractive investment climate. EMR is continuing its consultations with provinces, industry and public interest groups to design co-operatively, a regulatory framework that could be applied to all offshore areas, whether federal or provincial. Legislation and related regulations applying to offshore areas under federal jurisdiction will be required. This legislation might provide for administration, mineral rights disposition, mining royalties, fisheries and environmental protection, and co-operative management arrangements with coastal provinces.

*Anticipated Impact:* The uncertainty as to who controls the offshore, and thus the uncertainty respecting the security of investments and property rights, would be removed and at least some of the several hundred applications for the exploitation of offshore non-fuel minerals could proceed.

*Statutory Authority:* Legislation required

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.J. Shank, Mineral Policy Sector, Energy, Mines and Resources, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-9466, Ext. 351

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258-EMR

**NATIONAL ENERGY BOARD ACT AND REGULATIONS – CONCERNING ELECTRICITY EXPORTS AND POWER LINES**

The Government of Canada's regulatory reform initiative, announced on March 6, 1986, required a review of energy export regulations to streamline the review process. The Minister of Energy, Mines and Resources instructed the National Energy Board (NEB) to conduct a public inquiry into regulation of electricity exports, and interprovincial and international power lines. The report of the NEB inquiry panel, *The Regulation of Electricity Exports*, setting out options for changes in the regulatory process, was released on July 16, 1987. Specific changes in the regulation of electricity exports and power lines will follow consultations with provincial governments and approval by the federal Cabinet. The regulatory changes are expected to take effect in 1989.

*Anticipated Impact:* The impact of amendments to the act and regulations is expected to reduce the cost and time required for regulatory approvals, as well as to reduce the overlap of federal and provincial regulation. More specific impacts will depend upon the particular regulatory changes implemented.

*Statutory Authority:* National Energy Board Act, R.S.C. 1985, c. N-7

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Burpee, Director, Electrical Energy Policy, Energy Commodities Sector, Energy, Mines and Resources, 460 O'Connor Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 996-3498

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259-EMR

**NATURAL GAS ALLOCATION PROGRAM**

In event of a major disruption on the TransCanada Pipeline System a significant reduction of gas flow may occur for a prolonged period while repairs are made. Such a reduction may be severe enough to cause hardship or failure to meet national priorities to the extent that allocation of existing supplies is required at the federal level.

*Anticipated Impact:* This is a contingency plan, one of several supporting the Emergencies Act, which will enhance national emergency preparedness. There are no costs related to the order.

*Statutory Authority:* Emergencies Act, S.C. 1988, c. C. 29, s.s. 1, 3 or 4

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter 1989, Part II, *Canada Gazette*

*Contact:* M.C. Johnston, Director, National Emergency Agency for Energy, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-1024

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260-EMR

**ENERGY SUPPLIES ALLOCATION BOARD EXEMPTIONS FROM THE COMPETITION ACT**

Representatives from industry meet on the Petroleum Industry Advisory Committee in order to advise the Energy Supplies Allocation Board on a response or implementation strategy in the event of a national petroleum emergency. During the planning stages to date, no discussions and exchanges of information on the Committee have arisen that would lessen competition. An exemption order is normally made annually because the listed companies want protection from the Competition Act



both in the planning activities and during any declared national petroleum emergency.

*Anticipated Impact:* There are no costs related to the order. The effectiveness of consultation with the industry is enhanced. All companies involved have requested inclusion in the order.

*Statutory Authority:* Energy Supplies Emergency Act, 1979, R.S.C. 1985, E-9, s. 33

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 261-EMR

### NATIONAL GAS IMPORTS – REMOVAL OF VOLUME LIMIT

Pursuant to the October 1985 Agreement on Natural Gas Markets and Prices, the Government of Canada is committed to enhance access for Canadian buyers to natural gas supplies. One of the remaining regulatory impediments to supply access is a volume limit imposed on imports of natural gas by short-term order. The proposed amendment to the National Energy Board Part VI Regulations would remove the volume limit on natural gas imports by order, consistent with the regulatory regime that exists for exports of natural gas.

*Anticipated Impact:* The amendment to the regulations will contribute to the development of a competitive natural gas market by enhancing consumer access to a range of Canadian and imported gas supplies. It should also reduce costs by promoting the efficiency of natural gas transportation systems, and it will reduce the cost and time required for regulatory approvals. The proposal will be the subject of broad consultations with the affected industry and provincial governments.

*Statutory Authority:* National Energy Board Act, R.S.C. 1985, c. N-7

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 262-EMR

### ENERGY MONITORING – 1988 PETROLEUM SURVEY

Proposed amendments are necessary to promulgate the Monitoring Survey Questionnaire for the Annual 1988 Petroleum Monitoring Survey. The information gathered with the questionnaire permits the Petroleum Monitoring Agency to fulfill its statutory duties to monitor and analyse such developments related to the petroleum industry as production costs, profitability, investments and industry structure, in order to provide relevant information to the public policy-making process, for private sector decision making, and to inform the public of the financial and economic performance of the industry. Twice yearly, reflecting the first half- and full-year reporting periods specified by the Energy Monitoring Regulation (SOR/83-172), proposed amendments to those regulations are made following assessments of the data requirements of government and industry as well as changes in the regulatory and fiscal environment.

*Anticipated Impact:* Although the precise content is not known, the proposed amendments generally affect the manner of presentation, or the content, of either the income statement or the corporate balance sheet. The Agency would expect amendments to simplify data requirements and reduce paper burden.

*Statutory Authority:* Energy Monitoring Act, R.S.C. 1985, c. E-8

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.A. Reinecke, Director, Petroleum Monitoring Agency, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-6870

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#### 263-EMR

### ENERGY MONITORING – FIRST HALF 1989 PETROLEUM SURVEY

Proposed amendments are necessary to promulgate the Monitoring Survey Questionnaire for the First Half 1989 Petroleum Monitoring Survey. The information gathered with the questionnaire permits the Petroleum Monitoring Agency to fulfill its statutory duties to monitor and analyse such developments related to the petroleum industry as production costs, profitability, investments and industry structure, in order to provide relevant information to the public policy-making process, for private sector decision making, and to inform the public of the financial and economic performance of the industry. Twice yearly, reflecting the first half- and full-year reporting periods specified by the Energy Monitoring Regulation (SOR/83-172), proposed

amendments to those regulations are made following assessments of the data requirements of government as well as industry and changes in the regulatory and fiscal environment.

*Anticipated Impact:* Although the precise content is not known, the proposed amendments generally affect the manner of presentation or the content of the income statement, the corporate balance sheet or the income tax related information. The Agency would expect amendments to simplify data requirements and reduce paper burden.

*Statutory Authority:* Energy Monitoring Act, R.S.C. 1985, c. E-8

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.A. Reinecke, Director, Petroleum Monitoring Agency, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-6780

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#### 264-EMR

### CANADIAN EXPLORATION INCENTIVE PROGRAM

The proposed Canadian Exploration Incentive Program (CEIP) Regulations (expected to be promulgated in the fall of 1988) provide for the payment of an incentive equaling 30 per cent of an applicant's mining or oil and gas exploration expenses. Entitlement is limited to qualified corporations which issue flow-through shares, and the maximum limit of eligible expenses per applicant, or persons associated with the applicant, is \$10 million per year.

Since new regulations are expected to have come into effect in the last quarter of 1988, it is anticipated that the proposed amendments will be required to refine areas of eligibility in order to ensure that the rules dealing with annual limits are consistent and practicable to correct technical problems with the regulations and to deal with unique industry situations.

*Anticipated Impact:* The CEIP is expected to spend about \$200 million per calendar-year. The anticipated impact of the amendments to the regulations is to refine the technical rules of the program.

*Statutory Authority:* The Canadian Exploration Incentive Program Act, S.C. 1988, c. 34

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.H. Laureys, Director General, Energy Incentives Policy, Department of Energy, Mines and Resources, 11th Floor, 460 O'Connor Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0081

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#### 265-EMR

### CANADIAN EXPLORATION AND DEVELOPMENT INCENTIVE PROGRAM

The Canadian Exploration and Development Incentive Program (CEDIP) Regulations set out the detailed rules in respect of the payment of an incentive equaling 33 1/3 per cent to October 1, 1988 (and 16 2/3 per cent thereafter) of an applicant's eligible oil and gas exploration or development expenses. The maximum limit of eligible expenses per applicant, or persons associated with the applicant, is \$10 million per year. The proposed amendments will likely be required to refine areas of eligibility, to ensure that the rules dealing with annual limits are consistent and practicable, to correct technical problems with the regulations and to deal with unique industry situations.

*Anticipated Impact:* The CEDIP has a budget of \$259 million in 1988/89 for the payment of incentives. The anticipated impact of the amendments would be to ensure that the program remains within budget.

*Statutory Authority:* The Canadian Exploration and Development Incentive Program Act, S.C. 1987, c. 18

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.H. Laureys, Director General, Energy Incentives Policy, Department of Energy, Mines and Resources, 11th Floor, 460 O'Connor Street, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0081

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#### 266-EMR

### THE CANADA LANDS SURVEYS EXAMINATIONS

Canada Lands, in general terms, comprise the Northwest Territories, the Yukon Territory, national parks, Indian reserves and the land lying under the offshore areas of Canada. In total, the area of these lands is greater than the rest of the total land mass of Canada. A unique type of surveying expertise is required there, and it is the responsibility of the Board of Examiners for Canada Lands Surveyors to grant commissions as Canada Lands Surveyors to candidates who demonstrate they have the required expertise to survey Canada Lands. The Board maintains a syllabus of examinations and a program of training and experience contained in the Canada Lands Surveys Examination Regulations, which reflects the required expertise. From time to time, it is necessary to revise the requirements to become a Canada Lands Surveyor to keep pace with changing needs and technologies. Since the last major change was made in 1979, further major changes are needed in the syllabus of examinations to ensure that upcoming surveys connected with native



land claims are done effectively and efficiently. These surveys will cost up to \$10 million a year over the next decade.

*Anticipated Impact:* The desired impact of these changes is to increase the expertise of future Canada Lands Surveyors as well as the number of Canada Lands Surveyors available to do the anticipated surveys, to approximately 1000.

*Statutory Authority:* The Canada Lands Surveys Act, R.S.C. 1985, c. L-6

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* R.O. Semper, Secretary, Board of Examiners for Canada Lands Surveyors, Department of Energy Mines and Resources, Room 552, 615 Booth St., Ottawa, Ontario, K1A 0E9. Tel. (613) 995-4368

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#### 267-EMR

#### **PETRO-CANADA TRANSACTIONS AUTHORIZATION ORDER, 1989**

This order authorizes Petro-Canada and its wholly-owned subsidiaries to undertake certain transactions in the ordinary course of business during 1989. These transactions include the acquisition or sale of assets or shares, the incorporation of corporations, and the dissolution or amalgamation of wholly-owned subsidiaries of Petro-Canada, where the value of each such transaction does not exceed half of one per cent of Petro-Canada's consolidated gross assets.

*Anticipated Impact:* As a result of this order, Petro-Canada does not have to seek approval of the Governor in Council each time it wishes to undertake in the ordinary course of business one of the transactions specified in the order. This enhances the corporation's ability to operate efficiently and to respond quickly to changing circumstances.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, ss. 101 (5)

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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# ENVIRONMENT CANADA

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## Roles and Responsibilities

The Department of the Environment's statutory mandate is derived from the Government Organization Act, 1970. This act establishes the powers and duties of the Minister of the Environment.

These include all matters over which Parliament has jurisdiction and that relate to: preservation of the natural environment and enhancement of its quality, including water, air and soil quality; conservation of wildlife, including migratory birds and non-domestic flora and fauna; conservation of water resources and enforcement of rules and regulations arising from the advice of the International Joint Commission relating to boundary waters and questions arising between the United States and Canada which relate to the preservation and enhancement of environmental quality; national and historic parks and monuments; meteorology; and other federal matters relating to the natural environment assigned to the Minister.

The act also specifies the duties of the Minister in carrying out these responsibilities, including programs to: promote adoption of objectives or standards relating to environmental quality and pollution control; mitigate adverse environmental impacts of new federal projects; and provide Canadians with environmental information.

## Legislative Mandate

The following legislation is administered by the Department of the Environment:

- Canada Water Act
- Canada Wildlife Act
- Canadian Environmental Protection Act
- Department of Transport Act, 1970 (Canals)
- Game Export Act
- Historic Sites and Monument Act
- International River Improvement Act
- Migratory Birds Convention Act
- National Battlefields at Quebec Act
- National Parks Act

## Administrative Arrangements

The Department of the Environment administers section 33 of the Fisheries Act, on behalf of the Department of Fisheries and Oceans. That section deals with injury to fishing grounds and pollution of waters frequented by fish.

Further, the Department has an advisory role for the administration of other acts for which other federal departments are responsible but where scientific and technical advice on environmental impacts is required. Examples of such legislation are the Motor

Vehicle Safety Act, Arctic Waters Pollution Prevention Act, Northern Inland Waters Act, Pest Control Products Act, and Transportation of Dangerous Goods Act.

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268-EC

### OZONE-DEPLETING SUBSTANCES

These new regulations, to be called Regulations Respecting the Production, Import and Export and Use Of Certain Ozone Depleting Substances, will be developed in two phases. Phase I will reduce the consumption of chlorofluorocarbons from current levels to 50 per cent of 1986 levels by 1999. The regulations will also freeze consumption of halons to 1986 levels in 1992. These reductions correspond with the schedule set out in the United Nations Environmental Programme Montreal Protocol on Substances that Deplete the Ozone Layer. Phase II may include bans or restrictions on specific products and uses as well as recycle and recovery requirements.

*Anticipated Impact:* Reduced consumption of ozone-depleting substances will lead to reductions in the amount of global ozone depletion. This in turn will lead to fewer adverse health effects associated with increased ultraviolet radiation, including skin cancers and cataracts. Costs of implementing these regulations will be incurred by manufacturers to develop substitute products and processes.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 34

*Expected Date of Publication:* Phase I Regulations – Third Quarter, 1988, Part I, Canada Gazette; First Quarter, 1989, Part II, Canada Gazette. Phase II Regulations – Second Quarter, 1989, Part I, Canada Gazette; Fourth Quarter, 1989, Part II, Canada Gazette

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269-EC

### LEADED GASOLINE

The Leaded Gasoline Regulations will be amended to effectively eliminate the use of lead in motor gasoline.

*Anticipated Impact:* Lead emissions to the environment will decrease from about 2100 tonnes in 1987 to less than 150 tonnes in 1993. The Royal Society of Canada's Commission on Lead in the Environment concluded that the overall economy will



experience only a small impact. Gasoline cost increases to consumers may range from 1.0 – 2.1 cents/ litre (in 1987 dollars). The oil, lead and additive industries will be the most affected. The manufacture of lead additives will decrease, but the manufacture of alternatives will increase.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 47

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 270-EC

##### CHLOROBIPHENYL (PCB)

The Chlorobiphenyl Regulations No. 2 (Product) will be amended to place strict limits on the concentration of chlorobiphenyls that may be contained in any product manufactured in or imported into Canada. The amendment will also specify levels below which a product will be considered "PCB-free."

*Anticipated Impact:* The amendment will reduce risks to the environment and human health by ensuring PCB-containing products do not enter commerce. The impact on Canadian industry and importers will be small, since most products are PCB-free.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 34

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 271-EC

##### CHLOR-ALKALI MERCURY ATMOSPHERE RELEASE STANDARD

The Chlor-Alkali Regulations will be amended to update and improve the Standard Reference Method for monitoring mercury emissions as well as to make reporting methodology compatible with requirements under the Canadian Environmental Protection Act.

*Anticipated Impact:* The amendments will improve the enforcement of the regulations by having a better sampling, monitoring and reporting system. The financial impact on the Canadian industry will be very small as only some initial modifications to monitoring equipment will be required.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 34

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 272-EC

##### VINYL CHLORIDE ATMOSPHERIC RELEASE

The Vinyl Chloride Atmospheric Release Regulations will be amended to clarify monitoring procedures, as well as to make the regulations compatible with the Canadian Environmental Protection Act with respect to the reporting of releases. The amendment will also decrease fugitive emissions, and allow the monitoring of ambient Vinyl Chloride at the plant vicinity and/or boundary.

*Anticipated Impact:* The amendments will improve the enforcement of the regulations by having a better monitoring and reporting system and providing information on vinyl chloride ambient air concentration at the plant boundary. The amount of vinyl chloride emissions in the atmosphere will decrease. The cost impact on Canadian industry will be very small. No major capital expenses are involved.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 34

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 273-EC

##### CONTROL OF HAZARDOUS WASTES IN FEDERAL FACILITIES

Regulations will be promulgated to control the handling, treatment, transport and disposal of hazardous wastes from federal facilities.

*Anticipated Impact:* The regulations will improve the safety of working conditions for persons handling and storing wastes from federal facilities. The environment will be better protected through improved shipping and disposal methods.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 54

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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## 274-EC

### CEPA – NEW SUBSTANCES NOTIFICATION

The Canadian Environmental Protection Act requires that all substances new to Canada be tested and the findings of the tests reported to the Minister of the Environment before the substances are manufactured or imported. These new regulations will set out information requirements associated with the manufacture or importation of new substances, including polymers and biotechnology products.

*Anticipated Impact:* Environmental and health protection will be increased as a result of substances being comprehensively tested before they are introduced into Canadian commerce. Provision of the test information for new substances will be the responsibility of manufacturers and importers.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 32

*Expected Date of Publication:* New substances, including polymers - First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II,

*Canada Gazette.* Biotechnology Products — Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 275-EC

### EXPORT OF TOXIC SUBSTANCES

These new regulations will specify the content and timing of notices of export that are required for substances that are severely restricted in Canada.

These substances will be identified on the List of Toxic Substances requiring Export Notification in part II of schedule II of the Canadian Environmental Protection Act.

*Anticipated Impact:* As a result of notification, the country of destination may decide if it should take action to control the use of the substance (e.g. subject the substance to controls, not allow entry). Canadian trade will not be adversely affected because other exporting countries are implementing similar requirements (set out in the UNEP London Guidelines for the Exchange of Information on Potentially Harmful Chemicals in International Trade).

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 45

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 276-EC

### REPORTING UNAUTHORIZED RELEASE OF SUBSTANCES ON FEDERAL LANDS, WORKS AND UNDERTAKINGS

These new regulations will provide for the mandatory reporting of unauthorized releases of substances for federal lands, works and undertakings to an inspector or designated person. Where there is already an adequate federal agency scheme for reporting under federal law, the report may be made in accordance with that law.

*Anticipated Impact:* The environment will be better protected through improved reporting and hence improved remedial responses to unauthorized releases. There will be limited cost impact to industry and other federal agencies as the cost and time required to report an unauthorized release are normally minimal.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 59

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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277-EC**REPORTING UNAUTHORIZED RELEASE OF TOXIC SUBSTANCES**

These new regulations will provide for the mandatory reporting of unauthorized releases of substances listed in schedule 1 of the Canadian Environmental Protection Act to an inspector or designated person. Where there is already an adequate provincial scheme for reporting under provincial law, the report may be made in accordance with that law.

*Anticipated Impact:* There will be a publicly available national data base on unauthorized releases. There will be limited cost impact to industry, as the cost and time required to report an unauthorized release are normally minimal.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 38

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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278-EC**CEPA – FINES AND PENALTIES DISPOSITION**

These new regulations will direct money from fines to the federal government in prosecutions by the federal government and to the provinces in cases of prosecutions by provincial governments. Such regulations could also provide a portion of a fine for a private prosecutor.

*Anticipated Impact:* The regulations would affect which government received the fine. Where there is a private prosecution, a private informant or prosecutor might qualify to receive a portion of the fine.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 120

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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279-EC**CEPA – TICKETING**

These new regulations will provide an efficient and orderly procedure for dealing with minor incidents that are offences under the Canadian Environmental Protection Act (CEPA). They will allow people to pay fines without having to appear in court.

*Anticipated Impact:* The regulations would result in increased revenue to the federal government and potentially to provincial governments administering the CEPA. The potential impact on the violator is not known at this time as the range of fines has not yet been established.

Environment Canada will hold detailed discussions with provinces to determine if the collection of fines under the Ticketing Regulations could be integrated into existing provincial or municipal fine collection schemes.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 134

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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280-EC**CEPA – RULES FOR THE OPERATION OF BOARDS OF REVIEW**

The Canadian Environmental Protection Act (CEPA) provides authority for the Minister(s) to make procedural rules for the operation of boards of review that the Minister(s) is empowered to establish under CEPA. The board of review is an appeal procedure to proposed regulatory activity under CEPA. The rules may govern the proceedings of the boards, the conduct of hearings, criteria for fixing costs and generally the conduct and work of boards. The rules are required so that persons know in sufficient detail the procedures when appearing before any boards of review.

*Anticipated Impact:* The procedural rules themselves, would have very limited impact in terms of cost or time. The criteria for fixing cost would have limited impact.

*Statutory Authority:* Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 97

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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**281-EC****CONFIDENTIAL NAMES OF SUBSTANCES**

These new regulations will set out the criteria and manner in which the names of substances may be masked for purposes of publication, when publication of the explicit name of a substance would release confidential business information. The regulations will ensure that the published masked name is sufficiently specific to enable the general identification of the substance while still preserving the confidentiality of its exact identity.

**Anticipated Impact:** Companies will be protected from losses they would suffer if the explicit name of a confidential substance were to be disclosed.

**Statutory Authority:** Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 32

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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**282-EC****CEPA – REQUESTS FOR CONFIDENTIALITY**

Persons providing information under part II of the Canadian Environmental Protection Act may request that the information be treated as confidential. These regulations will specify supplementary information that must accompany the request. The supplementary information will relate to the justification for the claim of confidentiality.

**Anticipated Impact:** Submission of justification for claims of confidentiality will assist Environment Canada to ensure protection of confidential information. Some additional paper burden costs will be incurred by industry, to provide the necessary justification.

**Statutory Authority:** Canadian Environmental Protection Act, S.C. 1988, c. 22, s. 22

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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**283-EC****MIGRATORY BIRDS**

Amendments to the Migratory Birds Regulations will:

1. as part of an annual exercise, take into account calendar or other necessary adjustments to season dates, hunting areas, species limitations and bag and possession limits. Because of declining populations of many species of ducks breeding in the Canadian Prairies, it is anticipated that restrictive regulations will be required to protect these ducks in 1989;
2. create a regulatory framework within which provincial and territorial governments may establish season dates, species limitations and bag and possession limits for the hunting of migratory game birds;
3. accommodate traditional hunting practices of the people of Labrador in the province of Newfoundland;
4. increase the Habitat Conservation Stamp Fee (Schedule 2, item 9) from \$6.50 to \$7.50;
5. change the textual portion of the regulations to provide for the proper management of the resource and the associated activities, greater clarity of intent and deletion of those regulations provided for elsewhere that are no longer considered necessary.

**Anticipated Impact:** Amendment 1 will maintain safe population levels of migratory game birds to ensure these species do not become threatened or endangered and to allow continuation of an annual migratory game bird hunting season. This will protect small businesses such as guide operations and lodges. Amendment 2 will facilitate earlier establishment of regulations affecting the migratory game bird hunting season so that information on the season can be provided to the public sooner. Amendment 3 will allow the people of Labrador to continue traditional hunting practices in line with provincial guidelines. Amendment 4 will generate additional revenue to be used to improve habitat conservation programs for migratory birds thereby maintaining secure populations of these species. Amendment 5 will bring clarity to the regulations.

**Statutory Authority:** Migratory Birds Convention Act, R.S.C., 1985, c. M-7, s. 1

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 284-EC

**MIGRATORY BIRD SANCTUARY**

Amendments to the Migratory Birds Sanctuary Regulations will:

1. In Newfoundland: Establish Migratory Bird Sanctuaries at Green and Shepard Islands and at the estuary of Grand Codroy River; 2. In Nova Scotia: Add land to Port Joli and Port Hébert Migratory Bird Sanctuaries; 3. In Prince Edward Island: Establish a seasonal migratory bird sanctuary adjacent to Prince Edward Island National Park; 4. In New Brunswick: Amend Section 8.1 of the Migratory Bird Sanctuary Regulations to delete references to access to the water areas of the Machias Seal Island Bird Sanctuary; 5. In Quebec: Delete île aux Fraises, île Blanche, île du Pot à l'Eau-de-vie, îles de Kamouraska and îles Pèlerins from the regulations; 6. In Ontario: Delete Fielding Migratory Bird Sanctuary and Young Lake Migratory Bird Sanctuary from the regulations; 7. Make textual changes for greater clarity of expression.

*Anticipated Impact:* Amendment 1 will help restore the breeding populations of Common Eider in Newfoundland (Green and Shepherd Islands) and protect staging flocks of Canada Geese and ducks departing from the province (Grand Codroy). Amendment 2 will facilitate easier access for the enforcement of the sanctuary regulations adjacent to tidal waters. Amendment 3 will provide much needed protection to the nesting Piping Plovers, an endangered species. It will restrict tourist use of portions of the park's beaches, but will not seriously affect the enjoyment of the park by visitors. Amendment 4 will legalize access by visitors and fishermen to waters surrounding the protected nesting areas (land only) of migratory birds on Machias Seal Island Bird Sanctuary.

Amendment 5 will create the possibility of migratory game bird hunting in these areas. Amendment 6 reflects minor use of sites by migratory birds. Registered landowners were contacted by mail and public notice. Since land must be leased or owned by the Government all affected property owners will be consulted.

*Statutory Authority:* Migratory Birds Convention Act, R.S.C. 1985, c. M-12, s. 1

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 285-EC

**WILDLIFE AREA**

Amendments to the Wildlife Area Regulations will:

1. In Nova Scotia: Create Port Joli National Wildlife Area and Port Hébert National Wildlife Area; amend description of Chignecto National Wildlife Area; 2. In New Brunswick: Create Portobello National Wildlife Area; amend description of Tintamarre National Wildlife Area and Shepody National Wildlife Area; 3. In Quebec: Add île Mousseau to îles de Contrecoeur National Wildlife Area; delete one island from îles de la Paix National Wildlife Area; amend description of and add land to Baie de l'île-Verte National Wildlife Area; amend description of and add land to Pointe-au-Père National Wildlife Area; prescribe an entrance fee to Cap Tourmente National Wildlife Area; 4. In Saskatchewan: Add land to Stalwart National Wildlife Area and to Tway National Wildlife Area; create Raven Island National Wildlife Area and Last Mountain Lake National Wildlife Area; 5. In British Columbia: Add Brisco, Harrogate and Spillimacheen areas to Wilmer National Wildlife Area and name it Columbia National Wildlife Area; add Rosewall Creek area to Qualicum National Wildlife Area; create Boundary Bay National Wildlife Area.

*Anticipated Impact:* These amendments will restrict or open up areas for hunters, wildlife-oriented organizations, and the general public, and thereby maintain safe levels of migratory game birds. Since land must be leased or owned by the government, private property rights will be affected.

*Statutory Authority:* Canada Wildlife Act, S.C. 1973-74, c. 21, s. 1

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 286-EC

**NATIONAL PARKS – GENERAL**

Amendments will be made to the English and French text of the National Parks General Regulations to respond to concerns raised by the Standing Joint Committee on Regulatory Scrutiny. Other changes to improve the administrative provisions of the regulations will be made at the same time.

*Anticipated Impact:* The amendments will bring the regulations up to date.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 287-EC

### **NATIONAL PARKS – WILDERNESS AREA**

New National Parks Wilderness Area Regulations will be established to enable the designation of wilderness areas in the national parks.

*Anticipated Impact:* The regulations will facilitate the protection of unique areas of wilderness within national parks. Some development interests may resist the designation of certain wilderness areas, which may conflict with plans for development.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 288-EC

### **NATIONAL PARKS – SIGNS**

The National Parks Signs Regulations will be amended to reflect updated criteria governing the appearance, composition and size of commercial signs.

*Anticipated Impact:* The amendment will provide modern criteria for business operators respecting the installation of commercial signs in the national parks.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 289-EC

### **CONTROL OF TOXIC SUBSTANCES AND THE PROVISION OF HEALTH AND SAFETY SERVICES**

An amendment will be made to the National Parks General Regulations to control the use, transportation, storage and disposal of pesticides and other toxic substances within national parks. The legislative authority for this initiative comes through the amendments to the National Parks Act and will strengthen Environment Canada's protection mandate where other federal or provincial legislation is considered to be lacking. Transport Canada, and others will be consulted to ensure that no conflicts arise.

*Anticipated Impact:* Health and safety of park visitors and residents as well as protection of park natural resources will be enhanced.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 290-EC

### **NATIONAL PARKS – DEVELOPMENT**

New National Parks Development Regulations will establish development plans for towns located in national parks. The development plans will clearly set out the level and scope of development permissible within communities in the parks.

*Anticipated Impact:* Parameters for development within communities in national parks will be clear and unambiguous and residents of park communities will be made aware of future plans and will have an opportunity to contribute to the outcome.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 291-EC

**NATIONAL PARKS – CEMETERIES**

The National Parks Cemetery Regulations will be amended to delete references to Cavendish Cemetery and Cape Breton Highlands Cemetery. The cemeteries are located at the boundaries of Prince Edward Island and Cape Breton Highlands National Parks respectively and are currently being administered by local authorities. Amendments to the National Parks Act have effected land transfers to the local authorities.

*Anticipated Impact:* The amendment will formalize existing arrangements.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 292-EC

**NATIONAL PARKS – WATER AND SEWER**

The water and sewer rates that apply in the developed areas in the national parks may be increased or adjusted, through an amendment to the National Parks Water and Sewer Regulations. A review of the costs and revenues associated with the provision of these services is underway to determine if an adjustment in rates is required.

*Anticipated Impact:* Park residents may experience a marginal increase in water and sewer rates. Park residents are aware of Environment Canada's policies on cost recovery measures.

*Statutory Authority:* National Parks Act, R.S.C. 1985 c. N-14; Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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## 293-EC

**NATIONAL PARKS – BUSINESSES**

The amendments to the National Parks Business Regulations will improve their administrative provisions by, for example, updating the qualifications for the licensing of guides and broadening the definition of a business.

*Anticipated Impact:* The amendments will improve the quality of guides and provide for better control of business activities in the parks.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 294-EC

**NATIONAL PARKS – HIGHWAY TRAFFIC**

The National Parks Highway Traffic Regulations will be amended to bring them in line with current highway traffic regulations outside national parks.

*Anticipated Impact:* The amendment will improve the control of motor vehicles and the safety of highways in the national parks. The amendment will also facilitate enforcement of certain provisions of the regulations.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14; Financial Administration Act, R.S.C. 1985, c. F-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 295-EC

**NATIONAL PARKS – TOWNSITE AND SUBDIVISION DESIGNATION**

The National Parks Townsite and Subdivision Regulations will be amended in order to revise the list of plan numbers of surveys listed in these regulations and to ensure accurate and up-to-date designations. Changes will also be made to reflect the new terminology for developed areas in the parks in

accordance with the amendments to the National Parks Act.

*Anticipated Impact:* This amendment ensures an accurate site plan for the townsites of Banff. This in turn ensures that development possibilities as well as restrictions are well known.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* These changes depend on plans of survey revisions or additions

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#### 296-EC

### **NATIONAL PARKS – AMENDMENT TO LEASE AND LICENCE OF OCCUPATION REGULATIONS**

An amendment to the Lease and Licence of Occupation Regulations is being considered respecting rates of rental, possible leases for portable cabins and mobile homes and rights of refusal and renewals respecting leases.

*Anticipated Impact:* Not known, as various options are being developed.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 297-EC

### **NATIONAL PARKS – LEASE AND LICENCE OF OCCUPATION REGULATIONS, CHANGE OF TERMINOLOGY**

Amendments to the terminology used in the National Parks Lease and Licence of Occupation Regulations will be made to make the regulations consistent with the amendments to the National Parks Act. Currently, the regulations provide for the issue of leases and licences of occupation in townsites and subdivisions within the national parks. The amendments will authorize the issue of leases and licences in towns, visitor centres and resort subdivisions.

*Anticipated Impact:* The amendments will reflect updated terminology to be used in the authorizing statute.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 298-EC

### **NATIONAL PARKS – FISHING PERMIT EXTENSION AND FEE ADJUSTMENT**

Amendments will be made to the National Parks Fishing Regulations to extend the new permit system to a greater number of national parks as well as to adjust the fees.

*Anticipated Impact:* The amendments will increase the options available to the public in purchasing fishing permits.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14; Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 299-EC

### **NATIONAL PARKS – FISHING SEASON, CATCH AND POSSESSION LIMITS MODIFICATIONS**

An amendment to the National Parks Fishing Regulations will be necessary to modify open seasons, catch and possession limits etc. applicable to fishing in the national parks. Amendments of this nature are usually made annually. In addition, a number of changes will be made to the regulations to clarify such areas as the possession of illegal equipment.

*Anticipated Impact:* These amendments will preserve fish stock by improving management of fish within the parks, as well as making clear the terms and conditions under which fishing may take place in national parks.



*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 300-EC

#### **NATIONAL PARKS – FISHING EXEMPTIONS FOR NATIVES, PUKASKWA NATIONAL PARK**

At the time of proclamation of Pukaskwa National Park in Ontario, an amendment will be made to the National Parks Fishing Regulations to exempt natives, with treaty rights to fish for domestic purposes, from most of the provisions of the regulations.

*Anticipated Impact:* This initiative will recognize and preserve the existing treaty rights of the Robinson-Superior Treaty Indians.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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### 301-EC

#### **NATIONAL PARKS – GARBAGE**

The rates for garbage collection and removal in the parks may be increased or adjusted through an amendment to the National Parks Garbage Regulations, depending on the results of a review of the costs and revenues associated with the provision of these services.

*Anticipated Impact:* Park residents may experience a marginal increase in costs for this service. Park residents are aware of Environment Canada's policies on cost recovery measures.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14; Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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### 302-EC

#### **CANADIAN PARKS SERVICE – DOCUMENTS AND SERVICES FEES**

New regulations, to be called the Canadian Parks Service Documents and Services Fees Regulations, will establish fees for specific documents and services provided to the public by the Canadian Parks Service. The fees will be based on the cost of producing documents and providing administrative services.

*Anticipated Impact:* There should be some reaction to the establishment of such fees. Services and documents such as leases and agreements for transfer of leases, previously provided free of cost, will now require payment. Consultation will take place to make the affected public aware of Environment Canada's policies on cost recovery measures.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 303-EC

#### **TWIN RIVERS GOLF COURSE FEES**

Fee increases and new fee alternatives for the use of the Twin Rivers Golf Course outside of Terra Nova National Park are being considered. Changes will depend on the results of a review of the costs and revenues associated with the operation and maintenance of the golf course facilities. The initiative would be undertaken through an amendment to the Twin Rivers Golf Course Fees Regulations.

*Anticipated Impact:* The amendment would offer a greater choice of options to the public. Any new or amended fees would be similar to those that apply in the national parks.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**304-EC****NATIONAL PARKS – FEES FOR RECREATIONAL FACILITIES**

New fees and fee increases for the use of certain recreational facilities such as golf courses and swimming pools and for boat mooring may be instituted through an amendment to the National Parks General Regulations. The nature of these fees will depend on the results of a review of the costs and revenues, to be completed by November 1988.

*Anticipated Impact:* Some services, previously provided free of charge, will now require payment. As well, the cost of certain services provided in national parks may increase marginally. Any new or amended fees will be based on cost recovery measures for the provision of facilities and services.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14; Financial Administration Act, R.S.C. F-10, s. 1

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**305-EC****NATIONAL PARKS – ADMISSION FEES**

The costs associated with operating the National Historic Parks as well as the entry fees are being evaluated. Where costs have escalated, amendments to the regulations may be necessary to increase existing fees, to restructure fee schedules or to extend fees to national historic parks where entry fees do not currently apply in order to maintain the level of cost recovery (approximately 10 per cent).

*Anticipated Impact:* Fees for entry to some parks may increase marginally. As well, fees may be charged to enter parks which could previously be visited without cost. Fees that are introduced to national historic parks where fees do not currently apply will be similar to fees charged at other national historic parks.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**306-EC****NATIONAL PARKS – CAMPING**

A study of the costs of operating campgrounds and providing related services is underway. An amendment to the National Parks Camping Regulations will be prepared if increases are necessary to maintain the same level of cost recovery associated with operating campgrounds or to adjust fees to increase demand for the use of certain campgrounds.

*Anticipated Impact:* Camping costs would increase in campgrounds where service costs have escalated. Discount rates for long stays may be introduced in certain campgrounds. Consultation will take place to inform the public affected by the amendment.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14; and Financial Administration Act, R.S.C. 1985, c. F-111

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**307-EC****CAMPING FEES (PROPOSED NATIONAL PARKS)**

At the time of proclamation of Gros Morne National Park in Newfoundland, Pukaskwa in Ontario and Pacific Rim in British Columbia, the Camping Fees Regulations will be amended to establish fees for these new national parks in order to recover costs of operating campgrounds. Certain adjustments to fees may also be made to increase demand at certain campgrounds. A study is under way to examine the fees structure and to determine appropriate charges.

*Anticipated Impact:* Camping fees in new national parks will be consistent with those that already apply within the national parks system.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11



*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**308-EC****GROS MORNE**

At the time of proclamation of Gros Morne National Park in Newfoundland, an amendment will be made to the National Parks General Regulations to allow local persons to remove sand and gravel for construction purposes, other than for carrying out commerce in construction. This provision will be in accord with the terms of a federal-provincial agreement for the creation of the park.

*Anticipated Impact:* This amendment will ensure an existing practice may continue after proclamation of Gros Morne.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**309-EC****GROS MORNE SNOWSHOE HARE HARVEST**

At the time of proclamation of Gros Morne National Park in Newfoundland, new regulations to be called the Gros Morne National Park Snowshoe Hare Domestic Harvest Regulations will be prepared for the harvest of snowshoe hares in the park by local residents for domestic purposes. These regulations will accord with the terms of a federal-provincial agreement for the creation of the park.

*Anticipated Impact:* The new regulations will recognize existing rights to harvest snowshoe hares in Gros Morne.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks,

Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**310-EC****GROS MORNE TIMBER HARVEST**

At the time of proclamation of Gros Morne National Park in Newfoundland, new regulations to be called the Gros Morne Timber Harvest Regulations will be made to provide for the cutting and removal of timber in the park by local residents. These regulations will accord with the terms of a federal-provincial agreement for the creation of the park.

*Anticipated Impact:* The new regulations will recognize existing rights to cut and remove timber in Gros Morne.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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**311-EC****NATIONAL PARKS HIGHWAY TRAFFIC – ALL TERRAIN VEHICLES**

At the time of proclamation of Gros Morne National Park in Newfoundland, an amendment will be made to the National Parks Highway Traffic Regulations to permit the operation of all terrain vehicles on access corridors through the park between two enclaves of settlement. This provision will be in accord with the terms of a federal-provincial agreement for the creation of the park.

*Anticipated Impact:* This amendment will formalize transportation routes between existing communities.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

312-EC

**PUKASKWA PARK GAME**

New regulations, to be called the Pukaskwa National Park Game Regulations, respecting native hunting and trapping in accordance with treaty rights, will be made when Pukaskwa National Park (Ontario) is proclaimed.

*Anticipated Impact:* These regulations will recognize and preserve the existing treaty rights of the Robinson-Superior Treaty Indians when the area becomes a national park.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

313-EC

**PUKASKWA NATIONAL PARK – HUNTING AND TRAPPING EXEMPTION FOR NATIVES**

At the time of proclamation of Pukaskwa National Park in Ontario, an amendment will be made to the National Parks Wildlife Act Regulations to exempt natives with treaty rights to hunt and trap from the provisions of these regulations. Certain provisions respecting native hunting and trapping may be added to the regulations or put into separate new Pukaskwa National Park Game Regulations.

*Anticipated Impact:* The amendment will recognize and preserve the existing treaty rights of the Robinson-Superior Treaty Indians.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1988, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

314-EC

**BANFF TOWNSITE ZONING**

The Banff Townsite Zoning Regulations may be amended to change a zoning designation within the townsite of Banff. Such an amendment would be

undertaken to accommodate development. Any such request must be in accord with the urban plan for the townsite, as well as existing policy, and be recommended by the Banff Municipal Committee.

*Anticipated Impact:* This amendment would respond to growth within the townsite by accommodating development.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* This initiative is dependent on requests made by local residents

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

315-EC

**JASPER TOWNSITE ZONING**

The Jasper Townsite Zoning Regulations may be amended to change a zoning designation within the townsite of Jasper. Such an amendment would be undertaken to facilitate development. Any such request must be in accord with the urban plan for the townsite, as well as existing policy, and be recommended by the Jasper Townsite Committee.

*Anticipated Impact:* This amendment responds to growth within the townsite by accommodating development.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* This initiative is dependent on requests made by local residents

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

316-EC

**BANFF AND JASPER AMBULANCE TAXES**

New Banff and Jasper Ambulance Taxes Regulations will be developed to establish taxes for the provision of ambulance services in Banff and Jasper National Parks. The taxes are required to recover costs related to the provision of these services to park residents.

*Anticipated Impact:* Residents of Banff and Jasper National Parks will now pay for a service previously provided without cost. The park residents are aware of Environment Canada's policies on cost recovery measures, have been consulted, and have agreed to pay in order to preserve the service.



*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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### 317-EC

#### **BANFF AND JASPER STREETWORKS TAXES**

Taxes may be increased during the 1989 calendar year, depending on the results of a review of the costs and revenues associated with the provision of street improvements in Banff and Jasper National Parks. This initiative is part of Environment Canada's cost recovery policy.

*Anticipated Impact:* Park residents may experience a marginal increase in costs for these services.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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### 318-EC

#### **WOOD BUFFALO GAME**

As a result of ongoing consultations with hunters and trappers in Wood Buffalo National Park, amendments will be made to the Wood Buffalo National Park Game Regulations in order to establish criteria for obtaining a licence to trap in the park for both commercial as well as subsistence purposes.

*Anticipated Impact:* The criteria for obtaining a licence to trap will be clear and unambiguous.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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### 319-EC

#### **WATERTON LAKES LAND USE**

New regulations, to be called the Waterton Lakes Land Use Regulations, will be established to clarify the type of land use permissible within the Waterton Lakes Townsite and to ensure that any development conforms with an urban development plan.

*Anticipated Impact:* The new regulations will prevent land use conflicts in Waterton Lakes Townsite.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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### 320-EC

#### **DOMINION WATER POWER**

The Dominion Water Power Regulations will be amended to transfer regulatory authority for water power facilities in national parks and heritage canals to the Minister of the Environment. The amendment will also establish a new fee schedule for heritage canals.

*Anticipated Impact:* The amendments will simplify administration of water power facilities in national parks and on heritage canals, increase government revenues from existing installations, and encourage construction of new, small hydro installations.

*Statutory Authority:* Dominion Water Power Act, R.S.C. 1970, c. W-6, s. 1

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

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### 321-EC

#### **CITIZENS HERITAGE FUND**

A new regulation will be developed to establish the National Parks Citizens Heritage Fund and to provide for its administration. The Fund is intended as a means for all Canadians to contribute towards

the expansion and enhancement of the national parks system.

*Anticipated Impact:* Individuals will have an opportunity to play a more direct role in the creation and improvement of national parks.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-2690

### 322-EC

#### ORDERS IN COUNCIL UNDER THE NATIONAL PARKS ACT

The amendments to the National Parks Act give the authority to the Governor in Council to fix the boundaries of the towns of Banff and Jasper, to authorize the Minister of the Environment to enter into agreements with the Government of Alberta for the establishment of local government bodies in the towns of Banff and Jasper and to establish particular commercial ski areas within the parks. These authorizations will be effected by orders in council.

*Anticipated Impact:* Residents as well as development interests will have a clear understanding of the perimeters of the towns of Banff and Jasper as well as the boundaries of commercial areas. The orders in council will also increase independent local decision making.

*Statutory Authority:* National Parks Act, R.S.C. 1985, c. N-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.W. Porter, A/Director, Policy, Planning and Legislation Branch, National Parks, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 994-269

### 323-EC

#### HERITAGE CANALS

The fees applicable to the use of watercraft and for other public services such as overnight mooring and swing bridge fees are being reviewed. Amendments may be made to the Heritage Canals Regulations if increases to fees or the establishment of new fees are found necessary in order to recover the costs of providing these services.

At the same time, a number of modifications and improvements to the regulations may be made to enhance protection of the heritage waterways.

*Anticipated Impact:* Heritage waterways will receive increased protection. As well, the cost of associated services may be higher.

*Statutory Authority:* Department of Transport Act, R.S.C. 1985, c. T-18

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Woods, Head, Legislation and Policy Section, Policy and Planning Branch, National Historic Parks and Sites Directorate, Canadian Parks Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 997-4043

### 324-EC

#### NATIONAL HISTORIC PARKS ORDER

As part of the National Historic Parks and Sites Directorate's ongoing responsibilities there will be submissions to create new National Historic Parks in 1989. Orders in Council for Grassy Island and St. Andrew's Rectory (one submission) have been drafted and will be submitted for approval. Submissions for Riel House and Ft. St. James amongst others will be put forward if clear title is acquired and the survey work is completed on time.

*Anticipated Impact:* There will be increased protection of the in situ cultural resources located at these sites due to the application of the National Historic Parks regulations.

*Statutory Authority:* National Parks Act, R.S.C., 1985, c. N-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Woods, Head, Legislation and Policy Section, Policy and Planning Branch, National Historic Parks and Sites Directorate, Canadian Parks Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 997-4043

### 325-EC

#### NATIONAL BATTLEFIELDS PARK BY-LAW – AMENDMENTS

Revocation of both the Traffic Signs and General Traffic Provisions of the National Battlefields Park by-Law will be undertaken in order to utilize the Government Property Traffic Act and Regulations. Changes will also be made to the by-law to control



the manner in which a person rides a horse or directs a horse drawn vehicle in the park.

*Anticipated Impact:* The revocation will decrease public confusion and complaints about enforcement of the traffic component of the by-law. The by-law did not provide for the voluntary payment of fines. The Government Property Traffic Act and Regulations will make such an undertaking possible. The amendment will provide for the proper control of equine traffic.

*Statutory Authority:* The National Battlefields at Quebec Act (1914)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Woods, Head, Legislation and Policy Section, Policy and Planning Branch, National Historic Parks and Sites Directorate, Canadian Parks Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel. (819) 997-4043

# EXTERNAL AFFAIRS CANADA

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## Roles and Responsibilities

The Department of External Affairs promotes and protects Canadian interests abroad and manages Canada's external relations. The major components of the program are: foreign policy priorities and co-ordination; international trade development; international economic, trade and aid policy; political and international security affairs; legal, immigration and consular affairs; communications and culture; bilateral relations and operations; passports; operational support; human resource planning and administration.

## Legislative Mandate

The Department of External Affairs derives its legislative authority from the Department of External Affairs Act. Passports and other travel documents are issued under the Royal Prerogative as exercised by the minister and delegated to officials under Order in Council Canadian Passport Order.

In the economic field, the Export and Import Permits Act gives the government the authority to control and monitor the transborder flow of specified goods.

Other enabling legislation governing Canada's international obligations include:

- Diplomatic and Consular Privileges and Immunities Act
- Privileges and Immunities (International Organizations) Act
- Privileges and Immunities (North Atlantic Treaty Organization) Act
- United Nations Air Services Act
- Food and Agriculture Organization of the United Nations Act
- International Boundary Waters Treaty Act
- Rainy Lake Watershed Emergency Control
- Roosevelt Campobello International Park Commission Act

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326-DEA

### AMENDMENT OF THE EXPORT CONTROL LIST (ECL)

The ECL describes all goods for which an export permit must be obtained before exportation. The amendments will incorporate changes agreed to at the Co-ordinating Committee (COCOM) revision round.

Because of intergovernmental arrangements pursuant to Canada's membership in COCOM, Canada controls the export of strategic, military, atomic energy goods and technology listed on the ECL. Not to update the list would place Canadian companies at a competitive disadvantage in international markets

and require them to submit to superfluous and unnecessary regulatory requirements.

*Anticipated Impact:* The revisions to the ECL will improve Canada's national security and assist Canada in meeting obligations to other COCOM members to control the export of goods whose strategic or military significance has been agreed to in multilateral negotiations. Revisions of the ECL will promote more effective and more efficient controls while diminishing the paper burden on private industry.

*Statutory Authority:* Export and Import Permits Act, R.S.C. 1985, c. 19

*Expected Date of Prepublication:* Exemption from prepublication will be requested since this text arises from multilateral negotiations, and Canada cannot unilaterally vary the content of items agreed to by COCOM members. Since COCOM undertakes continuous negotiations, it is anticipated that revisions to the Export Control List will be carried out on a semi-annual basis.

*Contact:* Michael Fine, Deputy Director, Export Controls Division, Department of External Affairs, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel. (613) 996-2387

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327-DEA

### PRIVILEGES AND IMMUNITIES ORDER

Each year the Government of Canada is host to a number of international meetings and conferences. As host country, Canada is obliged to grant privileges and immunities to the organizers and participants in these meetings as may be required for the exercise of their functions.

*Anticipated Impact:* Such orders are for the benefit of foreign representatives attending those international conferences. No impact is expected on any sector of the Canadian economy.

*Statutory Authority:* Privileges and Immunities (International Organizations) Act, R.S.C. 1985, c. P-23

*Expected Date of Prepublication:* Various dates in 1989

*Contact:* Brian Dickson, Director, Legal Advisory Division, Department of External Affairs, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel. (613) 992-6296





# DEPARTMENT OF FINANCE CANADA

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## Roles and Responsibilities

The Department of Finance operates under sections 8-10 of the Financial Administration Act which provides the Minister of Finance with the broad responsibility for the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to the Treasury Board or to any other minister.

The Department of Finance is the central agency of the federal government responsible for advice on the economic and financial affairs of Canada. It oversees all government actions affecting the economy to ensure harmony, follows the development of external factors that bear on domestic economic performance and examines the economic actions taken by other orders of government.

The Department's most visible output is the federal budget. The budget speech provides an authoritative review of past, present and future economic factors that will affect the country's economic performance and the nation's finances. This document reviews the government's accounts for the past period and presents its fiscal projections for the coming years. These include the government's expenditure program, revenues from existing sources, taxation changes and debt levels.

## Legislative Mandate

The Department of Finance is wholly or partly responsible for administering the following acts:

- Bank Act
- Bank of Canada Act
- Banks and Banking Law Revision Act
- Bills of Exchange Act
- Bretton Woods Agreements Act
- Canada Deposit Insurance Corporation Act
- Canada Development Corporation Act
- Canada Mortgage and Housing Corporations Act
- Canada-Newfoundland Atlantic Accord Implementation Act
- Canada-Nova Scotia Oil and Gas Agreement Act
- Canada Pension Plan Act
- Canadian National Railways Refunding Act
- Canadian National Railways Capital Revision Act
- Canadian National Steamships (West Indies Service) Act
- Canadian Payments Association Act
- Cooperative Credit Associations Act
- Currency Act
- Customs and Excise Offshore Application Act
- Customs Tariff
- Diplomatic Service (Special) Superannuation Act
- Excise Tax Act
- Export Credit Insurance Act

- Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act
- Financial Administration Act
- Garnishment Attachment and Pension Diversion Act
- Governor General's Retiring Annuity Act
- Halifax Relief Commission Pension Continuation Act
- Income Tax Act
- Income Tax Conventions Interpretation Act
- Insurance Companies Canadian and British Act
- Insurance Companies, Foreign Act
- Interest Act
- International Development (Financial Institutions) Assistance Act
- Investment Companies Act
- Loan Companies Act
- Members of Parliament Retiring Allowances Act
- Newfoundland Additional Financial Assistance Act
- Nova Scotia Offshore Retail Sales Tax Act
- Office of the Superintendent of Financial Institutions Act
- Oil Export Tax Act
- Pension Benefits Standards Act
- Prairie Grain Loans Act
- Prince Edward Island Subsidy Act
- Provincial Subsidies Act
- Public Service Superannuation Act
- Quebec Savings Bank Act
- Residential Mortgage Financing Act
- Small Businesses Loans Act
- Special Import Measures Act
- Tariff Board Act
- Tax Rental Agreements Act
- Temporary Wheat Reserves Act
- Trust Companies Act
- Western Provinces Treasury Bills Act
- Winding-up Act

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### 328-FIN

#### WITHDRAWAL OF \$1 BILL

The proposal is to have the Bank of Canada cease issuing one-dollar bank notes after June 30, 1989.

*Anticipated Impact:* Replacing the one-dollar bill with a dollar coin will result in savings to the government of over \$175 million in currency production costs over 20 years. The lifespan of a circulating dollar coin is expected to be 20 years, in contrast with the one-dollar bill which has a life expectancy of about one year. Transit authorities will also benefit since they will save over \$2 million annually from reduced dollar note processing and jammed fare boxes. Although the banking industry's direct costs of handling one-dollar coins are greater than



the costs associated with one-dollar bank notes, the handling costs of the culling and replacement of worn-out bank notes will disappear. Withdrawing the one-dollar bill is the final step in the government's policy, announced in March 1986, to replace the dollar bill with a dollar coin.

*Statutory Authority:* Bank of Canada Act, R.S.C. 1985, c. B-2, ss. 25(3)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Debt Management Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-5798

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### 329-FIN

#### **SALE/LEASEBACKS – CROWN CORPORATIONS**

The effect of a sale/leaseback transaction is to provide a corporation with a form of long-term financing. At present, Crown corporations undertaking sale/leasebacks do not need the approval of the Minister of Finance because these transactions are not deemed as borrowings under section 3 of the Crown Corporation Borrowing Regulations. Since sale/leasebacks are, in effect, borrowings, the regulations will be amended to include such transactions.

*Anticipated Impact:* This proposal affects the Government of Canada's taxable Crown corporations by requiring them to obtain the prior approval of the Minister of Finance for all sale/leaseback transactions. There is no impact on the public.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, ss. 127(4)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Debt Management Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-5798

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### 330-FIN

#### **CURRENCY EXCHANGE FOR CUSTOMS VALUATION**

These regulations prescribe the method of calculating the equivalent Canadian dollar value of foreign currencies for the purposes of the Customs Act and the Special Import Measures Act. Changes or additions to the regulations may be required to resolve the occasional administrative difficulties in their application that are caused by changes in exchange rate policies of foreign countries.

*Anticipated Impact:* The anticipated impact is minimal in view of the relatively small number of transactions which would likely be affected.

*Statutory Authority:* Currency Act, R.S.C. 1985, c. C-52, section 16

*Expected Date of Publication:* As required in Part II of the *Canada Gazette*

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### 331-FIN

#### **OFFSHORE AREA CERTIFICATE OF REGISTRATION**

The regulation would specify when and under what circumstances persons who collect tax under the Nova Scotia Offshore Retail Sales Tax Act, must apply for a Certificate of Registration.

*Anticipated Impact:* This is a minor administrative matter which would only clarify the application of the act. It will have no significant economic or regulatory impact.

*Statutory Authority:* Nova Scotia Offshore Retail Sales Tax Act, S.C. 1984, c. 29, subparagraph 58(1)(b)(iii)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Allan MacGillivray, Energy and Resource Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2151

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### 332-FIN

#### **OFFSHORE AREA EXEMPTION**

The regulation would exempt from the tax payable under the Nova Scotia Offshore Retail Sales Tax Act, certain large vessels and equipment used to repair them, transfers of property between related persons and corporations, and goods on which tax had already been paid.

*Anticipated Impact:* This provision would provide tax relief in the situations described above. The absolute level of the impact is difficult to assess.

*Statutory Authority:* Nova Scotia Offshore Retail Sales Tax Act, S.C. 1984, c. 29, ss. 48(2)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Allan MacGillivray, Energy and Resource Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2151

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**333-FIN****DRILLING RIGS**

The regulation would reduce the amount of tax payable on offshore drilling rigs under the Nova Scotia Offshore Retail Sales Tax Act, to a prorated amount over a number of years.

*Anticipated Impact:* The regulation would relieve a portion of the tax liability of offshore drilling rigs. The absolute level of this has not yet been assessed.

*Statutory Authority:* Nova Scotia Offshore Retail Sales Tax Act, S.C. 1984, c. 29, paragraph 48(2)(b)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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**334-FIN****NOVA SCOTIA SALES TAX RATE OF INTEREST**

The regulations would set the rate of interest payable on late remittances of tax payable under the Nova Scotia Offshore Retail Sales Tax Act to equal the rate on Government of Canada Treasury Bills.

*Anticipated Impact:* It is expected that this rate of interest, in combination with the five per cent penalty specified in the act, would encourage taxpayers to remit taxes promptly. Late payment of tax is not currently a problem.

*Statutory Authority:* Nova Scotia Offshore Retail Sales Tax Act, S.C., 1984, c. 29, sub-paragraph 58(1)(b)(iv)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact Person:* Allan MacGillivray, Energy and Resource Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2151

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**335-FIN****NOVA SCOTIA SHARE OF OFFSHORE CORPORATION INCOME TAX PAYMENT**

The Canada-Nova Scotia Oil and Gas Agreement Act authorizes the Minister of Energy, Mines and Resources to make payments to the Government of

Nova Scotia in respect of 15 per cent of the taxable income allocated by corporations to the Nova Scotia offshore area. This regulation will specify the time and manner of these payments.

*Anticipated Impact:* The regulation is only for the internal management of government.

*Statutory Authority:* Canada-Nova Scotia Oil and Gas Agreement Act, S.C. 1984, c. 29, ss. 63(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Allan MacGillivray, Energy and Resource Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2151

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**336-FIN****NOVA SCOTIA OFFSHORE CORPORATE INCOME TAX PAYMENT**

When proclaimed, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act will impose a tax on the income of corporations allocated to the Nova Scotia offshore area. The legislation will also authorize the Minister of Energy, Mines and Resources to transfer to the Government of Nova Scotia an amount equal to the proceeds of this tax. The regulation would specify the time and the manner of payment of these amounts.

*Anticipated Impact:* The regulation is only for the internal management of government.

*Statutory Authority:* Bill C-75, Canada-Nova Scotia Offshore Petroleum Resources Implementation, s. 219

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Allan MacGillivray, Energy and Resource Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2151

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**337-FIN****NEWFOUNDLAND OFFSHORE CORPORATE INCOME TAX PAYMENT**

The Canada-Newfoundland Atlantic Accord Implementation Act imposes a tax on the income of corporations allocated to the Newfoundland offshore area. This act also authorizes the Minister of Energy, Mines and Resources to transfer to the Government of Newfoundland an amount equal to the proceeds of this tax. The regulation would specify the time and the manner of payment of these amounts.



*Anticipated Impact:* The regulation is only for the internal management of government.

*Statutory Authority:* Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3, s. 216

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Allan MacGillivray, Energy and Resource Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2151

### 338-FIN

#### PREFERRED SHARES DIVIDEND TAX TRANSFER PAYMENTS

These regulations will prescribe the time and manner for determining and making transfer payments from the federal government to the provinces and territories with respect to the new preferred-share dividend taxes payable under parts IV.1 and VI.1 of the Income Tax Act. The proceeds of these taxes will be shared with the provinces and territories according to the legislation.

*Anticipated Impact:* These regulations will be consequential to the legislation authorizing the transfer payments, and, as such, will have no direct impact on the general public, businesses, the economy or on markets in general.

*Statutory Authority:* Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, R.S.C. 1985, c. F-8.

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Michel R. Lalonde, Federal-Provincial Relations Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-1654

### 339-FIN

#### AMENDMENTS TO FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS REGULATIONS, 1987

Regulations dealing with the fiscal equalization and fiscal stabilization programs will need to be amended to make allowance when calculating program entitlements, for transfer payments to be made by the federal government to the provinces with respect to the new preferred-share dividend taxes under parts IV.1 and VI.1 of the Income Tax Act. This amendment will be administrative in nature and consequential to an amendment made to the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act.

*Anticipated Impact:* There will be no costs to the private sector and no direct impact on the general

public, businesses, the economy or on markets in general.

*Statutory Authority:* Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, R.S.C. 1985, c. F-8

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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### 340-FIN

#### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS REGULATIONS, 1987

Recommendations are occasionally made by the Minister of Finance to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical in nature and introduced to improve the administration of these programs.

*Anticipated Impact:* The regulations deal with the time and manner of determining and making payments to provincial governments. There are no compliance costs to the private sector, and no direct impact on the general public, businesses, the economy or on markets in general. Provinces are consulted before amendments are made.

*Statutory Authority:* Federal-Provincial Fiscal Arrangements and Post-Secondary Education and Health Contributions Act, R.S.C. 1985, c. F-8

*Expected Date of Publication:* As required in Part II of the *Canada Gazette*

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### 341-FIN

#### TAX COLLECTION AGREEMENTS AND FEDERAL POST-SECONDARY EDUCATION AND HEALTH CONTRIBUTIONS

Recommendations are occasionally made by the Minister of Finance to the Governor in Council to amend the regulations dealing with the tax collection agreements and established programs financing. These amendments, usually technical in nature, are introduced to improve the administration of various programs.

*Anticipated Impact:* The regulations deal with the time and manner of determining and making payments to provincial governments in respect of tax collection agreements and established programs

financing. There are no compliance costs to the private sector, and no direct impact on the general public, businesses, the economy or the markets in general. Provinces are consulted before amendments are made.

**Statutory Authority:** Federal-Provincial Fiscal Arrangements and Post-Secondary Education and Health Contributions Act, R.S.C. 1985, c. F-8

**Expected Date of Publication:** As required in Part II of the *Canada Gazette*

**Contact:** Michel R. Lalonde, Federal-Provincial Relations Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-1654

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### 342-FIN

#### **CERTIFIED INSTITUTIONS REGULATION**

The Excise Tax Act contains a provision that allows the Minister of National Revenue to refund federal sales and excise taxes paid on goods purchased by certified institutions for their own use. This regulation will specify the type of care which qualifies a non-profit organization or charity to be classified as a certified institution for purposes of the Excise Tax Act. These institutions can then be refunded the federal sales tax paid on their purchases.

**Anticipated Impact:** The regulation is technical in nature. It is intended to clarify the type of care provided by an institution which will qualify the institution as one that is certified. These institutions would then be able to receive a refund of the federal taxes paid on their purchases.

**Statutory Authority:** Excise Tax Act, R.S.C. 1985, c. E-15

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*

**Contact:** P. Malone, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-4239

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### 343-FIN

#### **INCOME TAX REGULATIONS CONSEQUENTIAL TO BILL C-139 – TAX REFORM**

On June 18, 1987, the Minister of Finance announced in the House of Commons, proposals for a broad reform of the tax system. As a first step in implementing tax reform, on December 16, 1987, the Minister of Finance tabled in the House of Commons, a Notice of Ways and Means Motion to amend the Income Tax Act to which was appended Draft Income Tax Regulations, Legislation and Explanatory Notes with respect to capital cost allowance, certified productions (film), flow-through

shares, the resource sector, research and development expenditures and preferred shares. On February 10, 1988, the Minister of Finance presented his budget, in which some initiatives give rise to changes to the Income Tax Regulations. On April 21, 1988, the Minister of Finance tabled in the House of Commons, draft legislation and regulations relating to tax reform, including draft regulations with explanatory notes concerning administration, financial institutions, insurance corporations and motor vehicles. The changes to the Income Tax Act resulting from tax reform and the February 10, 1988 budget were embodied in Bill C-139. These changes take effect at a date which was announced with the specific measure.

**Anticipated Impact:** The legislation contained in Bill C-139 and its associated changes to the Income Tax Regulations will have a major impact on the Canadian economy. For details, please refer to the documents listed above, all of which were tabled by the Minister of Finance in the House of Commons.

**Statutory Authority:** Income Tax Act, S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c.55, s. 75

**Expected Date of Publication:** These regulations, which come into force at announced dates, have been published as detailed above. Fourth Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Howard Krakower, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039

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### 344-FIN

#### **PENSION REFORM – INCOME TAX REGULATIONS**

On October 9, 1986, the Minister of Finance tabled in the House of Commons, a document titled "Saving for Retirement." This document proposed to reform substantially the present system of tax assistance provided for retirement savings. Some of the proposals are intended to change the method by which the maximum RRSP contribution for individuals is determined. Draft legislation and draft regulations to implement the pension reform proposals were released by the Minister of Finance on March 28, 1988 for public discussion and consultation.

**Anticipated Impact:** The pension reform proposals are intended to address the current inequities in the amount of tax assistance taxpayers are receiving in their savings for retirement. The goal is to provide equal tax assistance for all taxpayers, regardless of the type of retirement savings plan to which they contribute. Projected fiscal costs were published in the October 9, 1986 document.



*Statutory Authority:* Income Tax Act, S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c. 55, s. 75

*Expected Date of Publication:* These regulations were released by the Minister of Finance on March 28, 1988 and were published in Finance Department Press Release 88-32 on March 28, 1988. Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Keith Horner, Chief, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3114

S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c. 55, s. 75

*Expected Date of Publication:* Draft regulations relating to the non-resident withholding tax on prescribed financial institutions have been published in a Finance department press release 88-38 on April 6, 1988. First Quarter 1989, Part II, *Canada Gazette*

*Contact:* Donald Sugg, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2980

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#### 345-FIN

### INCOME TAX REGULATIONS CONSEQUENTIAL TO THE FEBRUARY 1987 BUDGET

Amendments to the Income Tax Regulations which are consequential on Bill C-64 will be made. These amendments will be technical in nature, consequential on amendments made to the Income Tax Act and retroactive in their application. The specific date of application varies as specified in the draft regulations which were published on June 5, 1987.

*Anticipated Impact:* These regulations are technical in nature. For details, refer to the budget documents tabled in the House of Commons with the February 26, 1987 budget.

*Statutory Authority:* Income Tax Act, S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c. 55, s. 75

*Expected Date of Publication:* These regulations have been published with the Technical Notes to a Notice of Ways and Means Motion Relating to Income Tax on June 5, 1987. First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Howard Krakower, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039

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#### 346-FIN

### INCOME TAX REGULATIONS CONSEQUENTIAL TO BILL C-23

Bill C-23 implemented proposals that were outlined in the February 1986 budget. Technical amendments to the Income Tax Regulations will be made consequential to this bill applicable as announced in the budget.

*Anticipated Impact:* These regulations are technical in nature. Reference should be made to the 1986 budget papers for details.

*Statutory Authority:* Income Tax Act,

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#### 347-FIN

### PREFERRED SHARE FINANCING – INCOME TAX REGULATIONS

On June 18, 1987, the Minister of Finance tabled in the House of Commons, legislation on preferred-share financing which introduced a special tax on preferred-share dividends to address the problem of after-tax financing through the use of preferred shares. As a result of these changes to the Income Tax Act, consequential changes are required to the Income Tax Regulations, applicable to the dates announced.

*Anticipated Impact:* For details, please refer to the draft legislation and regulations, and explanatory notes relating to preferred shares which were tabled by the Minister of Finance in the House of Commons on December 16, 1987.

*Statutory Authority:* Income Tax Act, S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c. 55, section 75

*Expected Date of Publication:* These regulations have been published with the explanatory notes to the tax reform legislation which was tabled in the House of Commons on December 16, 1987. These regulations were further published with the draft legislation, regulations and explanatory notes respecting preferred share financing by the Minister of Finance on April 21, 1988. Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Donald Sugg, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2980

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#### 348-FIN

### FLOW-THROUGH SHARE RULES – INCOME TAX REGULATIONS

These regulations pursuant to the changes announced in the White Paper on Tax Reform tabled in the House of Commons on June 18, 1987, define the prescribed shares which do not qualify as flow-through shares. These regulations will be

retroactive to the various dates on which they were announced.

*Anticipated Impact:* These regulations provide certainty in the application of the flow-through share provisions contained in the Income Tax Act.

*Statutory Authority:* Income Tax Act, S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c. 55, s. 75

*Expected Date of Publication:* These regulations have been published with the explanatory notes to the tax reform legislation which were tabled in the House of Commons on December 16, 1987. These regulations were further published in a Finance department press release 88-97 on July 18, 1988. Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Davine Roach, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-4852

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#### 349-FIN

### PETROLEUM AND GAS REVENUE TAX REGULATIONS

These regulations prescribe "oil or gas wells" and "projects," provide an additional 25 per cent resource allowance for synthetic oil production and make technical changes consequential on the elimination of petroleum and gas revenue tax (PGRT) effective October 1, 1987.

*Anticipated impact:* These regulations will allow taxpayers to reduce \$115 million of their PGRT liability because of the exemption for new oil and gas production.

*Statutory Authority:* Petroleum and Gas Revenue Tax Act, R.S.C. 1985, c. P-12

*Expected Date of Publication:* These regulations have been published in a Finance department press release 86-179 on October 24, 1986. First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Davine Roach, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-4852

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#### 350-FIN

### TECHNICAL CHANGES TO INCOME TAX REGULATIONS

It is anticipated that the Minister of Finance will table legislation to make minor technical changes of a housekeeping nature to the Income Tax Act. Consequential amendments may be required to the Income Tax Regulations to correct deficiencies and anomalies. These changes will be effective from the

dates announced with the tabling of the amending legislation.

*Anticipated Impact:* These amendments are of a housekeeping nature only, intended for clarification.

*Statutory Authority:* Income Tax Act, S.C. 1970-71-72, c. 63, section 221, as amended by S.C. 1986, c. 55, s. 75

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Howard Krakower, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039

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#### 351-FIN

### REGULATIONS ARISING FROM THE 1989 BUDGET

The Minister of Finance will present a budget in 1989 which may, as a consequence, require amendments to the Income Tax Regulations.

*Anticipated Impact:* The 1989 budget documents will provide details of any impact.

*Statutory Authority:* Income Tax Act, S.C. 1970-71-72, c. 63, s. 221, as amended by S.C. 1986, c. 55, s. 75, and possibly other statutes

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

*Contact:* Howard Krakower, Tax Policy and Legislation Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039

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#### 352-FIN

### CANADIAN INTERNATIONAL TRADE TRIBUNAL

Legislation creating the Canadian International Trade Tribunal received Royal Assent before the end of 1988. The Tribunal will take over many of the functions of the existing trade tribunals (the Canadian Import Tribunal, the Tariff Board and the Textile and Clothing Board) which will be terminated. Regulations to implement the legislation will cover such issues as the matters to be taken into account in a direct access safeguard inquiry, defining various expressions (e.g., "domestic producer," "domestic production," "like or directly competitive goods" and "interested party") and other matters necessary for carrying out purposes and provisions of the act. The regulations will need to be put into effect when the legislation is proclaimed.

*Anticipated Impact:* The regulations are technical in nature and will provide greater clarity regarding



issues the Tribunal will be considering in performing its duties.

*Statutory Authority:* Statutory authority does not currently exist but will be provided for in the legislation creating the Canadian International Trade Tribunal (Bill C-110).

*Expected Date of Publication:* Fourth Quarter, 1988 or First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* T.A. Bernes, Director, International Economic Relations, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-8650

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#### 353-FIN

### SPECIAL IMPORT MEASURES

Legislation regarding the Free Trade Agreement (FTA) is likely to be passed and proclaimed in the fall of 1988 or early 1989. A major element of this legislation is amendment to the Special Import Measures Act. Regulations to implement some of these amendments will cover issues as the definition of the terms "U.S. government" and "goods of the U.S.," will confer powers, rights and privileges on panels and committees; and will identify persons obliged to sign and comply with disclosure undertaking and notification requirements.

*Anticipated Impact:* The regulations are technical in nature and will make operational various elements of the Free Trade Agreement.

*Statutory Authority:* Statutory authority does not currently exist but will be provided for in the FTA legislation (Bill C-130).

*Expected Date of Publication:* Fourth Quarter, 1988 or First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 354-FIN

### CUSTOMS TARIFF SCHEDULES

On January 1, 1988, the government implemented legislation which resulted in a complete overhaul and revision of the Customs Tariff. The former Customs Tariff, encompassing approximately 3400 tariff items, has been replaced with about 9000 items based on the internationally developed Harmonized System (HS).

The conversion to the HS-based tariff structure was undertaken on an overall revenue-neutral basis. However, given the complexity and magnitude of

the conversion, the rates on some individual products entering Canada have changed. As a consequence, some domestic manufacturers are finding that their tariff protection has been unintentionally removed. Some importers, on the other hand, are finding that their imports are facing higher rates of duties than intended.

In order to deal with problems that arise as a result of the conversion, the HS-based Customs Tariff contains an authority which allows the Governor in Council to amend tariff rates to rectify unintended rate changes. This authority expires on June 30, 1989.

*Anticipated Impact:* Regulations made pursuant to this authority would restore tariff protection for Canadian manufacturers unintentionally removed by the conversion to the HS-based tariff. They would also remove tariff barriers unintentionally created by the revised tariff which are having an adverse impact on Canadian importers. Because the amendments are technical and not substantive in nature, no impact is expected.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, s. 131(1)

*Expected Date of Publication:* As required in Part II, *Canada Gazette* during the period that ss. 131(1) is in effect

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-6881

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#### 355-FIN

### TEMPORARY REDUCTION, REMOVAL OR DRAWBACK OF CUSTOMS DUTIES

In response to requests from Canadian manufacturers, tariff rates on inputs to manufacturing processes are sometimes temporarily reduced or eliminated when like or substitutable products are not available from Canadian production. These are introduced through amendments to the Customs Duties Reduction or Removal Order, 1988, the Chemicals and Plastics Duties Reduction or Removal Order, 1988 and schedule V to the Customs Tariff.

These orders are also amended from time to time to extend the period during which the duty relief will be in existence and to restore the statutory tariff rates when warranted.

*Anticipated Impact:* Duty relief on inputs strengthens Canadian manufacturing capacity by assisting Canadian manufacturers to compete more effectively in the domestic market against imports from other countries.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, paragraph 68(1)(a)(b), s. 71

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
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356-FIN

#### **SPORTS EQUIPMENT**

The Customs Tariff provides duty-free entry of sports equipment unavailable from Canadian producers, which meets international competition standards and is certified by the Sports Federation of Canada as being required by athletes in training for, or competing in, international competitions. The list of goods eligible for free entry under this provision is designated by the Governor in Council. Amendments are required periodically to add products to this list.

*Anticipated Impact:* The duty-free entry of sports equipment meeting international standards assists Canadian athletes in training for, or competing in, international amateur competitions. The interests of Canadian manufacturers are also protected since equipment allowed duty-free entry is not generally available from Canadian production.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, code 2640, Schedule II

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
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357-FIN

#### **GOODS FOR DISABLED PERSONS**

The Customs Tariff provides duty-free entry for goods specifically designed for the use of disabled persons. The goods qualifying for free entry are designated by the Governor in Council when comparable goods are not available from producers in Canada. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

*Anticipated Impact:* The provision of duty-free entry of goods for disabled persons by order-in-council provides flexibility in responding to the needs of disabled persons while, at the same time, providing adequate protection for Canadian manufacturers. Before a recommendation is made to Council, full consultation is carried out with those who could be affected by a change in tariff rates.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, code 2535, Schedule II

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
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358-FIN

#### **TARIFF TREATMENT – RULES OF ORIGIN**

The rules of origin set out the guidelines to determine when goods will be considered to originate in a specific country and hence be entitled to a certain level of tariff treatment. Amendments are expected to the following regulations: the General Preferential Tariff and Least-Developed Developing Countries Rules-of-Origin Regulations, the British Preferential Tariff and Most-Favoured-Nation Tariff Rules-of-Origin Regulations, the New Zealand and Australia Rules-of-Origin Regulations and the Caribbean Rules-of-Origin Regulations.

*Anticipated Impact:* Amendments to the rules-of-origin regulations determine the level of tariff treatment accorded imported goods. Proposed amendments would be made following consultation with Canadian industry. Minimal impact is foreseen.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, ss. 15(2)

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
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359-FIN

#### **THE CUSTOMS TARIFF HARMONIZED SYSTEM – CONSEQUENTIAL AMENDMENTS**

The Customs Tariff legislation was completely revised as of January 1, 1988. Because of the comprehensive nature of these changes, the Governor in Council has been provided with the authority to amend any act of Parliament to reflect the new provisions of the Customs Tariff. This authority expires in June, 1989.

*Anticipated Impact:* Regulations made pursuant to this authority are intended to ensure legal consistency between the Customs Tariff and other acts of Parliament and are technical in nature.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, ss. 133(1)



*Expected Date of Publication:* As required before the expiration of this authority

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881

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#### 360-FIN

### GENERAL PREFERENTIAL TARIFF ORDERS

Canada provides a system of preferential tariff rates for developing countries referred to as the General Preferential Tariff, as well as special duty-free entry for the least-developed developing countries. On occasion, it becomes necessary to withdraw such preferences, particularly when Canadian manufacturers are injured by imports into Canada under the reduced rates. Normally, recommendations for withdrawal are made following public hearings and a report and recommendation by the Tariff Board which is tabled in the House of Commons. Alternatively, an order may be required to expand the coverage of these preferences or to liberalize them in other ways.

*Anticipated Impact:* Withdrawal of preferential rates of duty alleviate the injury incurred by domestic industry. Expansion of the preferences is accomplished through Canada's international commitment to help promote trade from developing countries.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, ss. 35(2), 36(1), 38(1), s. 41 or 62

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

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#### 361-FIN

### THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND OTHER TRADE AGREEMENTS – CONSEQUENTIAL AMENDMENTS

Under certain circumstances, recommendations are made by the Minister of Finance and the Secretary of State for External Affairs to the Governor in Council to modify tariff rates on imported products in response to domestic or international situations where Canada's rights or obligations under the General Agreement on Tariffs and Trade (GATT) or other trade agreements are involved. Regulations under these authorities are made in response to international trade situations that occasionally arise and are generally not known in advance. Recommendations to the Governor in Council involve either urgent domestic situations, e.g., surtaxes or retaliatory response to actions by other countries

which negatively affect Canadian trade reductions in tariff rates which have been negotiated with our trading partners, and which often have to be implemented within a short time.

*Anticipated Impact:* The Modification to tariff rates under GATT or other trade agreements are largely undertaken in order to protect domestic manufacturers or Canada's larger international trading interests.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, s. 59(2), 60(1), 60(2), 60(7), s. 62

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

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#### 362-FIN

### VESSEL DUTY REMOVAL/REDUCTION

The Customs Tariff provides authority for the Governor in Council, on the recommendation of the Minister of Finance, to reduce or remove the tariff on ships, boats and floating structures. The authority is used to respond to requests from Canadian companies which have demonstrated that the tariff on waterborne craft is inequitable or anomalous or where the government determines that it is prudent to take such action.

*Anticipated Impact:* Reductions or removal of the tariff on waterborne craft can help to reduce the costs associated with acquiring or operating vessels in Canada. Because such action could affect the tariff protection afforded Canadian shipbuilders, it is only taken after carefully considering the costs and benefits of tariff reductions on the beneficiary and on Canadian shipbuilding and repairing industries.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, s. 89

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

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#### 363-FIN

### MOST-FAVOURED NATION TARIFF TREATMENT

Under certain circumstances, recommendations are made by the Minister of Finance to the Governor in Council to modify the tariff treatment provided for imports from certain countries. Orders of this nature are usually put forth in response to obligations

under a new trade agreement or for political reasons.

*Anticipated Impact:* The modification of a country's tariff status is usually made in response to international obligations.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, ss. 23(1), s. 25

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

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#### 364-FIN

### HANDICRAFT GOODS ORDER

The Customs Tariff provides duty-free entry for traditional or artistic handicraft goods originating in developing countries.

From time to time, recommendations are made by the Minister of Finance to the Governor in Council to expand the list of handicraft items which are entitled to duty-free entry.

*Anticipated Impact:* The handicrafts-goods order is expanded pursuant to an international commitment to assist developing countries.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, code 2955, Schedule II

*Expected Date of Publication:* As required in Part II, *Canada Gazette*

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
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#### 365-FIN

### PREFERENTIAL TARIFF TREATMENT FOR CERTAIN COMMONWEALTH COUNTRIES

Canada provides for a system of tariff preferences for certain Commonwealth countries. On occasion, it becomes necessary either to withdraw British Preferential Tariff (BPT) rates of duty largely to protect domestic manufacturers or to extend BPT treatment to certain goods as may be agreed to, following international trade agreements or for the benefit of domestic manufacturers.

*Anticipated Impact:* Withdrawal of BPT rates can result in increased protection for domestic industry. Expansion of BPT rates are usually extended following trade agreements which contain reciprocal benefits for Canadian trade.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, ss. 27(1), 28(1), 29(b), s. 31

*Expected Date of Publication:* Third and Fourth Quarters, 1989, Part II, *Canada Gazette*

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#### 366-FIN

### GENERAL AMENDING ORDERS

From time to time, amendments to various regulations and orders are required as a result of concerns raised by the Standing Joint Committee for Regulatory Scrutiny. The amendments, of which there may be a number in 1989, address certain legal issues as well as minor wording changes to correct grammatical discrepancies.

*Anticipated Impact:* Because the amendments are, for the most part, technical and not substantive in nature, no impact is expected.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49; Duties Relief Act, S.C. 1986, c. 29, s. 37; Financial Administration Act, R.S.C. 1985, c. F-11, s. 23

*Expected Date of Publication:* As required in Part II, *Canada Gazette*.

*Contact:* Director, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5.  
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#### 367-FIN

### REMISSION OF DUTIES

The authority to remit (forgive) the payment of duties has been delegated by Parliament to the Governor in Council. Remissions of duties are usually proposed only in exceptional circumstances where a genuine need for tariff relief has been clearly demonstrated. Most remissions of duties are recommended to rectify anomalies or inequities caused by the tariff structure in specific situations or to provide short-term assistance to particular Canadian manufacturers facing serious competitive or financial problems.

*Anticipated Impact:* The remission authorities allow the government to respond quickly in specific situations where the application of general laws and regulations unintended or undesirable results.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, s. 101; Financial Administration Act, R.S.C. 1985, c. F-11, s. 23; Duties Relief Act, S.C. 1986, c. 29, s. 37



*Expected Date of Publication:* As required in Part II,  
*Canada Gazette*

*Contact:* Director, Tariffs Division, Department of  
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# FISHERIES AND OCEANS

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## Roles and Responsibilities

The major responsibilities of the Department of Fisheries and Oceans (DFO) include fisheries management and research in coastal and certain inland waters, fisheries economic development and marketing, fish inspection, international fisheries negotiations, oceanographic research, hydrographic surveying and charting, and the development and administration of fishing and recreational harbours, in all parts of Canada.

The federal government, under section 91(12) of the British North America Act, has exclusive legislative jurisdiction over Canada's fisheries in coastal and inland waters. DFO is fully responsible for the management of all fisheries, both marine and freshwater. The administration and enforcement of fisheries legislation has been delegated, in varying degrees, to the provinces of Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. In British Columbia, the fisheries for marine and anadromous species (fish that migrate from freshwater to sea) are managed by the federal department, while the provincial government administers the regulation of freshwater fisheries. In Quebec, all freshwater, anadromous and catadromous (eels) species are dealt with by the provincial government, with the remaining marine species being the responsibility of the federal authorities. In the Prairie provinces and Ontario, the provinces administer the regulation of all freshwater fisheries within their respective boundaries.

The main legislative authority of DFO is the Fisheries Act. Under this act, regulations are established to control such matters as the timing, length and scope of fishing seasons; type of harvesting equipment that may be used; catch quotas; protection of fish habitat; poaching; etc.

Another important piece of legislation for which DFO is responsible is the Fish Inspection Act. Regulations made under this act ensure that the harvesting and processing of fish are conducted under approved hygienic conditions for the protection of the consumer. The inspection of fish and fishery products for trade outside provincial boundaries is undertaken by the federal government in all areas of Canada. DFO inspectors are also responsible for checking that all imported fish products comply with established standards.

## Legislative Mandate

The following legislation is administered by the Department of Fisheries and Oceans:

- Atlantic Fisheries Restructuring Act
- Coastal Fisheries Protection Act
- Fish Inspection Act
- Fisheries Act

- Fisheries Development Act
- Fisheries Improvement Loans Act
- Fisheries Prices Support Act
- Fisheries and Oceans Research Advisory Council Act
- Fishing and Recreational Harbours Act
- Freshwater Fish Marketing Act
- Great Lakes Fisheries Convention Act
- North Pacific Fisheries Convention Act
- Northern Pacific Halibut Fisheries Convention Act
- Pacific Fur Seals Convention Act
- Saltfish Act
- Territorial Sea and Fishing Zones Act

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### 368-DFO

## REVIEW AND CONSOLIDATION OF VARIOUS REGULATIONS

In 1987, the Department of Fisheries and Oceans undertook a major review of all regulations made under the Fisheries Act other than those administered by the freshwater provinces, with a view to simplifying and reducing the volume of regulations.

As a result of that review, 20 sets of regulations will be consolidated into five new sets of regulations as follows:

1. Fishery (General) Regulations: These will provide for general administrative regulations applicable to tidal waters, the Atlantic Provinces, British Columbia, and the Yukon and Northwest Territories, such as variation powers, fishermen and vessel registration, handling of licences and registrations, and fishing vessel and fishing-gear marking. They incorporate the Penalties and Forfeitures Proceeds Regulations and the Fishways Obstruction Removal Regulations.
2. Maritime Provinces Fishery Regulations: Consolidation of the New Brunswick, Nova Scotia and Prince Edward Island Fishery Regulations and the New Brunswick and Nova Scotia Tidal Waters Boundaries Orders.
3. Pacific Fishery Regulations, 1990: Consolidation of British Columbia Fishery (General) Regulations, Pacific Fishery Regulations, 1984, Pacific Commercial Salmon Fishery Regulations, Pacific Herring Fishery Regulations, Pacific Shellfish Regulations, Pacific Coast Marine Plant Regulations, British Columbia Gravel Removal Order and the British Columbia Logging Order and those portions of the Tuna Fishery Regulations applicable to the Pacific Ocean.
4. Marine Animal Regulations: Consolidation of Beluga Protection Regulations, Cetacean Protection Regulations, Narwhal Protection Regulations, Seal Protection Regulations and the Walrus Protection Regulations.
5. Management of Contaminated Fish Regulations: Consolidation of the Sanitary Control of Shellfish Fisheries Regulations and those portions of the New Brunswick, Nova Scotia, Prince Edward



Island, Quebec Fishery Regulations and Pacific Shellfish Regulations dealing with shellfish contamination and toxicity.

In addition to the revocation of 20 sets of regulations, amendment to the following regulations will be required:

Atlantic Fishery Regulations, 1985  
 Newfoundland Fishery Regulations  
 Quebec Fishery Regulations  
 British Columbia Sport Fishing Regulations  
 Northwest Territories Fishery Regulations  
 Yukon Territory Fishery Regulations  
 Foreign Vessel Fishing Regulations

*Anticipated Impact:* This reduction in regulation volume, estimated at about 30 per cent, will result in simplification of the regulations, and the revocation of unenforceable, redundant and outdated provisions. It will also facilitate enforcement and the administration of justice.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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## ALBERTA FISHERY REGULATIONS

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369-DFO

### COMMERCIAL AND SPORT FISHING

The proposed amendment will refine existing management regimes to include changes to the schedule of waters closed to sport fishing, changes to the schedule of waters in which the use of bait fish is prohibited and adjustments to quotas for trout and Arctic grayling. Additionally, in order to maintain and enhance declining walleye stocks, a combination of size limits and quotas will be introduced for this species. Commercial fishing initiatives are limited to adjustments to the schedule of commercially fished lakes to improve species-specific management of commercial harvests.

*Anticipated Impact:* The changes to sportfishing provisions will in some instances reduce quotas or season lengths; however, protection of spawning fish and reduced quotas will maintain fishable

populations of sport fish for the long term. Walleye management initiatives will permit the recovery of declining stocks while maintaining opportunities to fish for this important sport fish. Changes which have an impact on commercial fisheries will help control harvests on a species basis and allow greater harvests of target species while minimizing incidental harvests of non-target species.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## ATLANTIC FISHERY REGULATIONS, 1985

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370-DFO

### RESTRICTIONS IN USE OF OTTER TRAWLS IN WHITE HEAD HOLE

Before White Head Hole was closed in 1980, vessels greater than 19.8 m using otter trawls were disrupting cod stocks during winter fishing. The result was poor catches by inshore gear during the following summer fishery. At the time, only vessels greater than 19.8 m were active in that winter fishery. Currently, small vessels less than 19.8 m are fishing the area, which is disrupting cod stock migration into the Chedabucto Bay area, a traditional inshore summer fishing location. Additionally, large-vessel owners are requesting re-entrance into the area given the selective nature of the closure to vessels greater than 19.8 m in length. The current closure is January 1 to June 30 for vessels greater than 19.8 m in length. The amendment would include in this closure vessels less than 19.8 m.

*Anticipated Impact:* This closure would displace six eastern Nova Scotia vessels less than 19.8 m currently active in the area during the January to June closure. It will complete the universal application of the closure which, if opened fully, could severely reduce catches on the inshore sector.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 371-DFO

### CREATION OF A BUFFER ZONE BETWEEN MOBILE AND FIXED GEAR IN SOUTHERN LABRADOR

A history of conflict between fishermen using different gear types has plagued the fisheries. Presently, there are in regulations specific areas in which otter trawl fishermen are prohibited. This proposal will create another buffer zone similar to the one established years ago, along the Quebec coastline west of the Quebec/Newfoundland border. This proposal was put forward by the two different gear-type users and the Newfoundland Fishermen Food and Allied Workers Union. This amendment should be in effect for the spring 1989 season.

*Anticipated Impact:* Positive impact will be seen as there should be more co-operation and less disruption between fishermen in different gear sectors and between fishermen and the Department. Consensus on this proposal was obtained after meetings between fixed-gear and mobile-gear representatives.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 372-DFO

### PROHIBITION AGAINST CARRYING DUAL FISHING GEAR

Current regulations permit otter trawl vessels to carry both large (130 mm and greater) and small (less than 130 mm) mesh nets. The problem exists in the illegal use of the small-mesh net which may indiscriminately harvest species to which the 130 mm or greater mesh may apply. Existing regulation allows for a 10 per cent by-catch of the 130 mm or greater restricted species when fishing with the less-than-130-mm mesh on board. Enforcement of the large-mesh requirement and protection of the stock, particularly the juveniles, would be better served if an absolute prohibition existed on carrying small-mesh gear during trips directed for the larger mesh species. With both gear types on board, enforcement officers cannot determine if the larger mesh

species were captured with small-mesh gear. The particular waters and species are to be identified through consultation.

*Anticipated Impact:* This action, while protecting against the indiscriminate harvest of species to which 130 mm mesh restrictions apply, may raise objection from the offshore companies who will argue they must carry both sets of gear to reduce costs. This cost would be predicated on captains going after "what's available" when they are on station if their primary target species is not available.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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#### 373-DFO

### RESTRICTED OTTER TRAWL FISHING, CABOT ISLAND - FUNK ISLAND, NEWFOUNDLAND

Increased use of fixed fishing gear on the Funk Island Banks, Newfoundland, has resulted in numerous complaints and protests from inshore fishermen regarding interference from large draggers (domestic and foreign) using otter trawls. There has been loss of and damage to fixed gear. It is proposed to extend the boundaries of the existing area off Cabot Island - Funk Island in which otter trawl fishing is prohibited. To effect this change it will be necessary to amend co-ordinates in schedule XXXI to the Atlantic Fishery Regulations, 1985.

*Anticipated Impact:* The geographical extension being proposed does not encompass a large area in relation to the existing closed area and would have minimal effect on either the domestic or foreign fishing fleets which have operated in the area during the past.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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374-DFO**REMOVAL OF RESTRICTION ON ENGINE BRAKE HORSEPOWER**

As a result of substantial overfishing of Gulf groundfish stocks in the early 1970s, a restriction on brake horsepower (BHP) for non-Gulf-based vessels over 100 feet in length was implemented to conserve stocks. The present enterprise allocation scheme of individual company quotas renders this restriction unnecessary.

*Anticipated Impact:* All Atlantic groundfish quotas for the offshore fleet are presently part of enterprise allocations with individual offshore companies allocated specific quotas of groundfish. The removal of the 1050 BHP designation will permit offshore companies to rationalize their fishing plans and use any of their vessels to fish their specific quotas in the Gulf. Gulf-based companies will not be affected because they, too, have specific quotas allocated to them and are therefore protected regardless of the BHP of the vessels used by the companies with non-Gulf-based vessels.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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375-DFO**CHANGE IN CO-ORDINATES OF SILVER HAKE BOX**

The "Silver Hake Box," as it is commonly referred to, is the only portion of subarea 4 in which otter trawl fishing for squid, silver hake and argentine is permitted. For the past few of years, foreign fishing vessels have been allowed to fish for these species an additional 60 miles east of this box under the authority of a licence. The Foreign Vessel Fishing Regulations are now scheduled to be amended to bring the co-ordinates of the Silver Hake Box in line with that area currently being fished under the authority of a licence. This proposed amendment will parallel the amendment to the Foreign Vessel Fishing Regulations, thereby providing the same extended fishing area to domestic fishing vessels as is being afforded to foreign fishing vessels.

*Anticipated Impact:* No negative impact is anticipated since this will provide equal opportunity for domestic fishermen to fish for the concerned species within the Silver Hake Box.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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376-DFO**PROHIBITION ON TRANSSHIPPING OF GROUND FISH AT SEA**

Transshipping at sea between inshore mobile-gear groundfish vessels and fixed-gear groundfish vessels has increased dramatically in the last two years. This activity has resulted in misreporting of catch, fishing in closed areas and a rapid decline in fixed-gear quotas resulting in early closures. The proposed regulation is designed to prohibit the at-sea transferring of groundfish between fishing vessels. The proposed regulation will ensure that catch reporting by specific gear type is accurate and timely. The requirement to curtail such at-sea activities has become necessary because declining quotas to each gear sector has initiated an intense at-sea transfer procedure as a means of circumventing current regulations.

*Anticipated Impact:* A positive impact of this change is the anticipated reduction in suspected misreporting of catch by gear sector. A greater availability of resource will also be afforded to fleet sectors previously hampered by high reported catch levels which have occurred as a result of transshipping at sea. Improved management and biological advice will result from more accurate catch statistics and this, in turn, will result in a more responsive fishing strategy for all fleet sectors. These improved factors should also be reflected in income and market improvements. Only those fishermen involved in transshipping activities intended to circumvent regulations would be negatively affected.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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377-DFO**INCIDENTAL CATCHES IN RELATION TO MINIMUM MESH SIZE OF OTTER TRAWLS**

Under the proposed amendment, fishermen using otter trawls with an authorized mesh size of less than 130 mm will be permitted incidental catches of different species of fish in a fishing ground that has an abundance of those species in that area. The current incidental catch limits set out in the regulations apply to all species of groundfish in all Atlantic fishing areas and make no allowance for the possibility of different abundances of species within a fishing area.

*Anticipated Impact:* This amendment will reduce the proportion of incidental catches that fishermen must now throw back to conform to the 10 per cent by-catch level permitted. Discarding leads to resource waste as the fish released are not included in the quotas. The actual fish mortality rate is higher than fishery statistics used to set quotas and that other management measures show. This amendment should also eliminate a source of friction between Department of Fisheries and Oceans and the industry, which feels the current regulations cause waste.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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378-DFO**MODIFICATION OF VESSEL CLASS DEFINITIONS TO DISTINGUISH FLEET SECTORS, GULF AND QUEBEC REGIONS**

Under this amendment, it will be possible to distinguish among the Gulf fleet sectors made up of those fishermen who hold combination crab/groundfish licences, shrimp/groundfish licences, and those who hold groundfish licences alone. This will allow the Department to develop appropriate management plans based upon fleet sectors. This initiative has been recommended by sectors of the Quebec and New Brunswick fishing industry.

*Anticipated Impact:* Fishermen will benefit from the fleet differentiation since the specific needs of the three fleet sectors can be better considered during the preparation and application of management

plans. Costs to government will be administrative and minimal.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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379-DFO**HERRING FISHING CONSERVATION AREA ON TRINITY LEDGE, BAY OF FUNDY**

The Trinity Ledge spawning ground has always been a major component of the entire 4WX herring fishery. Recent Canadian Atlantic Fisheries Scientific Advisory Committee assessments indicate that this stock has in recent years been subjected to dramatically increased fishing during the stock's spawning period. It is currently estimated that a reduction of fishing by 25 per cent during the spawning period would significantly reduce the threat to the herring fishery. This proposal will establish a control mechanism on Trinity Ledge which will protect spawning adult herring from overfishing and disruption.

*Anticipated Impact:* The potential biological impact would be to protect a portion of the 4WX herring spawning stocks from overfishing by restricting fishing for specified periods.

The short-term impact of a closed conservation fishing area on the fishery participants (fishermen, vessel owners and industry people) will be to exclude them from a significant portion of a very lucrative and highly marketable resource (the Japanese roe market). The proposed restrictions are even more significant for the participants in light of the recent deterioration of alternative traditional markets. The long-term impact will ensure a more stable resource base upon which the existing industry can depend in the future. The net benefits for all participants and society over several years is much greater than the short-term capital gains available by overfishing and depleting the resource to meet the current market situation.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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### 380-DFO

#### **LANDING AND WEIGHING OF HERRING CAUGHT BY MOBILE GEAR**

The present inability of the Department of Fisheries and Oceans to monitor accurately and enforce individual mobile-gear vessel quotas in the herring fishery stems from a lack of regulatory control governing offloading and weighing. (These quotas are part of a 10-year guarantee by government to industry.)

*Anticipated Impact:* Although will be some initial cost to industry to set up scales or establish other weighing facilities to comply with the mandatory weighing provision, the measures should result in stock conservation.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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### 381-DFO

#### **USE OF MONOFILAMENT NETS IN THE HERRING AND MACKEREL FISHERIES**

The restriction on the use of monofilament in gill nets for the herring and mackerel fisheries in the Atlantic was incorporated into the consolidation of the Atlantic Fishery Regulations, 1985, after consultation with industry, fishermen's associations and government officials. Taking into account the time that it would take from the start of the consolidation process to its completion, adequate pre-notice to fishermen and manufacturers of monofilament netting was thought to have been achieved. Since the regulations have been in place, continuing complaints from fishermen and manufacturing associations have been received by departmental officials to the effect that the restriction should not be effective Atlantic-wide but exceptions should be made due to the high volume of such nets being used in specific areas, i.e., northeastern New Brunswick and Quebec.

Consultations have taken place and will continue with all regions affected and all interested parties in order to settle this problem. If agreement on exceptions can be reached, it is anticipated that this amendment will be in force the spring of 1989.

*Anticipated Impact:* At present, the situation is unacceptable to a large majority of New Brunswick and Quebec fishermen. Other regions have not had the same problems, so the impact will be localized to specific areas within regions.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 382-DFO

#### **SEPARATION OF HERRING MIDWATER TRAWL FISHERY IN HERRING FISHING AREAS 20 AND 21**

There is currently one licensed herring midwater trawl vessel operating in herring fishing areas 20 and 21. Under current regulations this vessel is included in the definition of mobile gear. Since its activities do not coincide with those activities of the purse seiners, it should not be restricted to those closed seasons under which the purse seiners operate. This amendment will set out midwater trawl as a specific gear type for herring fishing with an appropriate season.

*Anticipated Impact:* There will be no negative impact as this will legitimize existing fishing practices.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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### 383-DFO

#### **CATEGORIES OF HERRING FISHING GEAR**

Vessel size is a decisive factor affecting the success of a herring fishery. Unequal competition has created injustices under the current system for managing herring quotas, particularly in New Brunswick, Prince Edward Island, the Gulf sector of Nova Scotia and the Gaspé sector of Quebec. Small open boats are limited by their displacement, weather conditions and their on-board storage capacity. This proposal will combine gill net and

drift net gear and establish different vessel categories according to vessel length (A - vessels under 10.67 m, B - vessels from 10.67 m to 15.24 m inclusive, C - vessels over 15.24 m). This will ensure more equitable distribution of the resource among the various categories on the basis of past performance and the natural proximity of the resource. This amendment will entail grouping gill net and drift net gear and establishing appropriate closed times for the vessels in each of the new length categories.

*Anticipated Impact:* This measure will increase the availability of herring stocks for fleets close to the resource and thus make better use of the smaller boats in the fleet, which have less range. The amendment should ensure more equitable access among the different herring fleet sectors.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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#### 384-DFO

### SUBDIVISION OF HERRING FISHING AREA 15

The proposed amendment will subdivide herring fishing area 15 into two management zones corresponding to the major herring spawning grounds. The two zones will be the western portion (middle North Shore) and the eastern portion (lower North Shore) of area 15. This amendment will give the herring fishermen in the northern portion of the Gulf of St. Lawrence a more balanced access to the resource, since it will allow separate management plans to be drawn up for the two zones. This amendment will also make it possible to prevent fishermen from one zone from taking the area 15 quota before the herring have a chance to enter certain spawning grounds.

*Anticipated Impact:* This proposal will permit a more equitable distribution of catches among fishermen and reduce the likelihood of overharvesting of specific spawning grounds.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 385-DFO

### MIAWPUKEK BAND FOOD FISHERY

The Miawpukek Band of the Micmac Indians of Conne River, Newfoundland was granted status in 1984. The band petitioned the Minister of Fisheries and Oceans for an Atlantic salmon food fishery. Regulatory amendments are needed to provide for the licensing of this fishery, the tagging of salmon caught and to restrict the use of the salmon caught for food purposes.

*Anticipated Impact:* A food fishery in the estuary of the Conne River establishes a new harvesting sector for Atlantic salmon. Salmon taken in this fishery will not be available for harvest in the commercial or recreational fisheries nor will they contribute to spawning. The actual impact on productivity will not be known until detailed biological studies are completed.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 386-DFO

### TAGGING OF SALMON OTHER THAN ATLANTIC SALMON

The introduction of the salmon tagging program in the Nova Scotia Fishery Regulations and New Brunswick Fishery Regulations in 1982 was for the conservation of Atlantic salmon. However, when those tagging provisions respecting commercial salmon fishing were removed and placed in the Atlantic Fishery Regulations, 1985, they also became applicable to pink and coho salmon. This was not the intent.

*Anticipated Impact:* There is no negative impact expected as the current regulations were not intended to apply to more than Atlantic salmon.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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387-DFO**SUPPLEMENTARY CRAB FISHERY,  
NEWFOUNDLAND REGION**

The supplementary crab fishery has been managed by attaching conditions to licences. This has not proven completely satisfactory in regulating the length of the fishing season. It is proposed to add a closed time for this fishery to crab fishing areas 1 to 11 in schedule XII.

*Anticipated Impact:* A closed time in regulations will enable the Department to manage quotas more effectively and prevent overruns. This proposal will have no adverse effects on fishermen.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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388-DFO**SNOW CRAB FISHING ZONES AND CLOSED  
TIMES, PRINCE EDWARD ISLAND**

The Minister announced in November, 1984, that exploratory snow crab fishing permits for two exclusive inshore zones north and east of Prince Edward Island would be issued. Additional permits were announced by the Minister in March, 1986. These two inshore zones must be defined in the Atlantic Fishery Regulations, 1985, both to restrict permit holders to the zones described and to prevent midshore fishermen from fishing in these zones. This proposal is required to be in effect before the start of the 1989 snow crab season.

*Anticipated Impact:* Access to and from these zones will be restricted and will serve to protect the inshore fishery from the midshore and vice versa.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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389-DFO**MINIMUM SIZE OF LOBSTERS IN AREA 26B**

The minimum carapace size of lobsters was increased in lobster fishing area 26B in 1987 and again in 1988. This was brought about at the request of the appropriate committees for the Cape Breton Island fishermen.

With the minimum carapace size to increase by 1.5 mm (1/16") per year, the regulations must reflect the increase in order to manage properly this fishery. This type of amendment will have to occur every year for the next two or three years. This one must be in force by early spring 1989.

*Anticipated Impact:* Initially, landings and net revenues will be slightly lower than normal in this fishery. By 1989 benefits, through landings and revenues, are expected to increase appreciably with the implementation of this amendment. In addition, the amendment will improve the long-term stability of the stock.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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390-DFO**SUBDIVISION OF LOBSTER FISHING AREAS 12,  
13 AND 14**

In lobster fishing areas 12, 13 and 14, standardized trap limits and trap tagging were introduced for the first time in 1987. Because of these new programs, the whole fishery has undergone close scrutiny, resulting in this proposal being supported by the union, fishermen's associations and provincial authorities. It is proposed that 1) trap limits should be standardized; 2) some areas could support more fishing effort, and; 3) other areas should see a reduction in fishing effort. In order to carry out these proposals, regulatory change in the physical limits of the three lobster fishing areas is required.

*Anticipated Impact:* Because of the support for this proposal from fishermen and their associations, full co-operation is expected. Departmental control of the fishing will be viewed as a positive move, since it will protect a valuable resource, with all fishermen receiving an equitable share.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 391-DFO

### **BOUNDARY BETWEEN LOBSTER FISHING AREAS 32 AND 33**

This proposal is in response to a request from the lobster fishermen in areas 32 and 33. The present boundary does not reflect the historical fishing pattern in these areas. It is proposed to change the location of the boundary line between lobster fishing areas 32 and 33, to reflect this pattern.

*Anticipated Impact:* This change affects only those lobster fishermen fishing in the area of the boundary line. This amendment will have no impact other than restricting them to fishing in either area.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 392-DFO

### **LOBSTER FISHING AREAS 35 TO 39**

During the consolidation process which resulted in passage of the Atlantic Fishery Regulations, 1985, no solution was arrived at for the lobster boundary lines between Grand Manan and the southern coast of New Brunswick and the Digby shore of Nova Scotia. Consequently, regulations were adopted which created a buffer zone effect in the disputed areas so that fishermen from the three affected areas could continue in their traditional fishing patterns until a long-term regulated solution, agreed to by all concerned, could be reached. Discontent with the buffer zone areas has been expressed by fishermen, and an equitable expansion of the boundaries of the three adjacent lobster fishing areas 34, 36 and 38, to include the waters enclosed by areas 37 and 39, is the long-term required solution. References to areas 37 and 39 will therefore be removed from the regulations.

In order to correct an inconsistency between the area 38 lobster fishing season and the adjacent area

36 season, the closing date of the area 38 season will be changed from the fourth Friday in June to June 30. In addition, in order to meet the annual requests of fishermen working out of ports in areas 36, 38 and the New Brunswick portion of area 35, the opening time for these areas will be changed from 0800 h to 0700 h.

*Anticipated Impact:* An equitably developed regulation will result in minimal disruption to fishermen's historical fishing patterns and minimal or no financial loss. The need to issue a yearly variation order to achieve the desired date and time changes will be eliminated. No negative impact on the lobster resource is expected.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 393-DFO

### **MOBILE GEAR ON LOBSTER FISHING VESSELS**

Fishermen licensed for both scallop and lobster fishing are not authorized by the present regulations to have mobile gear on board their vessel when engaged in lobster fishing. The purpose of this regulation is to prevent lobsters incidentally caught in mobile gear from being retained under the guise that they were caught in lobster traps. There are, however, areas where the numbers of lobsters incidentally caught in mobile gear, particularly scallop drags, is insignificant, and section 61 of the regulations will be amended to reflect such areas.

*Anticipated Impact:* This will alleviate unnecessary economic hardship imposed by present regulations, thereby enabling fishermen to maximize profits.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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### 394-DFO

#### **MANDATORY ESCAPE MECHANISMS IN LOBSTER TRAPS, QUEBEC AND SCOTIA-FUNDY REGIONS**

There is a high mortality rate in undersized or juvenile lobsters once they have been caught in lobster traps. This mortality rate can be attributed to damage caused by handling and also greater exposure to natural predators once released back to the sea. This proposed amendment will make the use of escape mechanisms mandatory for those lobster fishing areas in the Scotia-Fundy and Quebec regions where they are not already required. Escape mechanisms are required in lobster traps in all other lobster fishing areas.

*Anticipated Impact:* The regulations will be designed to allow fishermen the flexibility to choose one of several types of escape mechanisms. For those fishermen who choose to use lath spacing, no costs will be incurred. For those who choose to use manufactured devices to permit the escape of small lobsters, some costs will result. Benefits to fishermen and to the lobster stocks should occur the year immediately following mandatory use of these mechanisms. There will also be benefits for secondary industry through manufacturing of approved escape mechanisms.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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### 395-DFO

#### **MINIMUM HARVEST SIZE OF LOBSTERS, SCOTIA-FUNDY REGION AND NEWFOUNDLAND**

Under this amendment the minimum legal lobster carapace size would be increased by 1.5 mm (1/16") in 1989. This type of amendment will be repeated in 1991 to increase the minimum legal size to 84 mm (3 5/16"). New federal regulations in the United

States to increase the permitted lobster carapace size came into force in 1987. Since the U.S. is Canada's most important export market for live lobsters, these actions by the U.S. are changing market requirements for Canadian lobsters. The Scotia-Fundy Region and Newfoundland are the most affected because the bulk of their exports (over 80 per cent) are in live form to the U.S.

*Anticipated Impact:* Initially, landings and net revenues will be slightly lower than normal in the fishery. However, the increased carapace size will ultimately translate into higher yield per lobster and higher egg production, which will lead to substantially increased landings in subsequent years, while at the same time improving the long-term stability of the stock.

*Statutory authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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### 396-DFO

#### **DECOMPOSABLE ESCAPE PANELS FOR WIRE LOBSTER TRAPS**

The use of lobster traps constructed of plastic wire has steadily increased in recent years and in some areas they have virtually replaced the traditional wooden lobster trap. Unlike most wooden traps, wire traps continue to fish for long periods of time if they become lost. This phenomenon is commonly referred to as "ghost fishing" and participants in the lobster fishing industry as well as biologists are concerned about the negative impact that ghost fishing could have on the resource. This proposed regulation will make it mandatory to have certain parts of wire traps constructed of naturally decomposable materials so that, in the event of loss of the trap, these materials will break down and render the trap incapable of retaining lobsters or any other fish.

*Anticipated Impact:* The implementation of this regulation will cause a decrease in the number of lobsters killed by ghost fishing, especially as the use of wire traps escalates. Reduced lobster mortality will result in improved catch levels over the long term. Apart from the minor costs of purchasing some naturally decomposable materials for wire traps, there will be no negative impact on fishermen or industry.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Glen Jefferson, Senior Advisor, Invertebrates, Resource Management Branch, Department of Fisheries and Oceans, P.O. Box 550, Halifax, Nova Scotia, B3J 2S7. Tel. (902) 426-5952

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#### 397-DFO

### PROHIBITION LANDING OF LOBSTER AND CRAB DURING TRAP-SETTING PERIOD

The proposed amendment will establish a period when the setting of lobster and snow crab traps will be the only activity allowed; during this period, landing of catches will be prohibited. The setting period will vary with the species and fishing area. The current regulations do not allow the Department to authorize only the setting of traps and to prohibit fishing during a pre-established period.

*Anticipated Impact:* This measure will improve the orderly management of these fisheries and the safety of fishermen at sea by reducing the risks associated with transporting traps when the season opens. Enforcement of this amendment will not entail any additional expense on the government's part, because fishery officers will be able to monitor compliance during their regular inspection duties nor will this measure entail additional expenses for fishermen or reduce their catches or income. The principle underlying this measure is widely supported and already being voluntarily applied in some fisheries following consultation with the industry.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 398-DFO

### PROHIBITION AGAINST CARRYING SCALLOP FISHING GEAR IN CERTAIN CLOSED AREAS

The current regulations permit scallop gear to be on board a vessel in closed areas and during closed times for scallop fishing provided that the gear is unshackled and stowed. This makes it easier for vessels that must cross closed scallop fishing areas, on

their way to port from open scallop fishing areas. There are areas for which certain closures apply, such as Georges Bank, where vessels licensed for scallops but fishing for other species maintain their scallop gear on board, unshackled and stowed. However, this gear can be quickly rigged for scallop fishing as soon as enforcement personnel are not around. This amendment will significantly curb this activity by absolutely prohibiting the carrying of scallop gear on board in certain areas. This proposal is planned to come into effect on April 1, 1989.

*Anticipated Impact:* No negative impact is anticipated for fishermen fishing in conformity with the regulations pertaining to closed scallop fishing areas. Less costly and more effective enforcement will result in dealing with those seeking access to closed scallop fishing areas under the pretense of fishing for other species.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 399-DFO

### GRAND MANAN SCALLOP FISHING CLOSURE

Since 1982, a seasonal scallop closure around Grand Manan Island in the Bay of Fundy has been implemented by a notice issued under the New Brunswick Fishery Regulations. The New Brunswick Fishery Regulations are scheduled to be revoked and replaced by the Maritime Fishery Regulations by January 1, 1990 and as a result, this closure will no longer be maintained under the former regulations.

*Anticipated Impact:* This area has already been closed since 1982. There will be no change in impact on either government or the public. This proposed amendment simply changes the authority for the closure from one regulation to another.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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400-DFO**LICENCE REQUIREMENTS TO HARVEST MARINE PLANTS**

The Atlantic Coast Marine Plant Regulations which were revoked when the Atlantic Fishery Regulations, 1985 came into force, provided that a licence was required to fish for any species of marine plant. Licensing requirements help protect resources against overexploitation. Under the current regulations, licences are required to harvest only four species, i.e., dulse, Irish moss, horsetail and rockweed. This proposed regulation will reinstate licensing requirements for all marine plants including such species as kelp and eel grass.

*Anticipated Impact:* Those persons engaged in harvesting marine plants who did not need a licence in the past, will now need one. This regulatory change will permit controls on exploitation which, over the long term, protect the resource for future harvests. The fee for a marine plant licence is \$5.00.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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401-DFO**"REGISTERED LENGTH" DEFINITION FOR FISHING VESSELS**

Establishment of a definition for "registered length" will eliminate the requirement for expert witness testimony in certain court proceedings under section 106.

*Anticipated Impact:* No negative impact is anticipated. Reduced costs and time savings will result where court proceedings are instituted.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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402-DFO**REGISTRATION OF FISH TRANSPORT AND PROCESSING VESSELS**

Under the current regulations, only vessels used in fishing are required to hold commercial fishing vessel registrations. As such, the control of vessels used solely for transporting or processing fish is impossible. Vessels used for transporting or processing fish can affect existing fishing and landing patterns, can increase catching capacities of the fleets and without control, can make the enforcement of existing quota systems impossible. This proposed regulation will provide for the necessary control of such vessels by requiring them to be registered.

*Anticipated Impact:* Before 1985, regulations required the registration of all vessels which fished for, transported or processed fish. This proposed regulation will close an existing loophole and provide for the necessary control required to manage the fishery. The owners of such vessels will incur a cost of \$20.00 per year to register their vessels.

*Statutory authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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403-DFO**DETERMINATION OF VESSEL CLASS**

Under the current regulations, vessel classes are defined by length. In several instances, minor inaccuracies in vessel construction and in certification have led to vessels being inaccurately registered with the Department, and court case dismissals have resulted because such vessels were actually of a length outside of the strict parameters specified by law for a particular gear type. This proposed regulation will provide that the vessel class identified on a vessel's licence can be applied regardless of the actual length of the vessel.

*Anticipated Impact:* The enactment of this regulation will close a legal loophole. Court cases will no longer be jeopardized because a certified measure of the vessel reveals it to be of a slightly different length from that indicated on its registration. This should result in improved compliance and, in court, should ensure a greater success rate for the Department. This will be of major benefit to Canadians

who have been demanding improved enforcement. It will also be of benefit to all Canadian fishermen who will see an improved management approach through the ability to monitor accurately and enforce vessel classes and their quotas. Another major benefit to fishermen is that those who would not otherwise be eligible to renew their licences on vessels which were actually longer than permitted by policy could do so under this provision without costly modifications to their vessel.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 404-DFO

### SUBSTITUTION OF "SHORE" FOR LAND CO-ORDINATES

Many of the land co-ordinates used to describe fishing zones are situated on sea coast that is susceptible to erosion, which results in the former land co-ordinate becoming a sea co-ordinate. The resulting legal loophole can be plugged by changing the co-ordinates to a reference such as "shore," since regardless of the erosion effect, the imaginary line will always be located on land. Several areas in the Gulf have been identified as potential problem spots and a complete review is presently underway to identify all required changes.

*Anticipated Impact:* There will be no negative impact on those fishermen who have abided with the intent of the regulations. It will enhance enforcement against those who may attempt to use this technicality as a defence.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## BELUGA PROTECTION REGULATIONS

#### 405-DFO

### CUMBERLAND SOUND QUOTA

The beluga whale population entering Cumberland Sound and Clearwater Fiord has been heavily exploited by Inuit hunters and, historically, by commercial whalers. Assessment work by the Department of Fisheries and Oceans (DFO), assisted by Pangnirtung hunters, indicates a gradual decline in population numbers.

There is an annual quota of 40 animals for Cumberland Sound. DFO is currently considering reducing that quota and establishing quotas, in consultation with the industry, for Frobisher Bay and Lake Harbour hunters who may be exploiting the same stock.

If a reduction is required, it would be planned to come into effect for April, 1989. It would be subject to ongoing review.

*Anticipated Impact:* Reduction of the Cumberland Sound beluga quotas would cause some hardship among the local Inuit who depend upon the beluga for food and maintenance of cultural traditions. A reduction will be considered only if necessary for conservation of the stock. Future benefits from maintenance and rebuilding of the stock would exceed any current costs associated with quota reduction. Surveys and monitoring of the hunt are being conducted in co-operation with the Pangnirtung Hunters and Trappers Association. A beluga management committee composed of representatives from DFO and the Pangnirtung, Frobisher Bay and Lake Harbour hunters and trappers associations has been formed and is currently considering a management plan and recommendations on total annual harvests.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## BRITISH COLUMBIA FISHERY (GENERAL) REGULATIONS

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### 406-DFO HALIBUT PROVISIONS

Several amendments are proposed to provide a more effective method of implementing the decisions of the International Pacific Halibut Commission (IPHC). This will entail revocation of the International Pacific Halibut Regulations and the Canadian Pacific Halibut Regulations along with amendments to the British Columbia Fishery (General) Regulations and the British Columbia Sport Fishing Regulations.

*Anticipated Impact:* These changes will have the positive effect of permitting the International Pacific Halibut Commission decisions with respect to halibut fishery openings and closings to be made quickly and with fewer annual regulatory changes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14 and Northern Pacific Halibut Fisheries Convention Act, R.S.C. 1985, c. F-19

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 407-DFO FISHING IN A SPECIES-PROHIBITED AREA WHEN THERE ARE FISH OF THE PROHIBITED SPECIES ON BOARD

The proposed regulation will make it an offence to fish for any species of fish in an area in which fishing for a certain species of fish is prohibited if the vessel has any of the prohibited species on board. This is a problem encountered where vessels fish for one species in one area then move to another area where different regulations are in effect. Without this amendment, it is very difficult to determine whether the fish on board were caught in the prohibited area or in the area in which fishing for that species is allowed.

*Anticipated Impact:* This proposal is designed to help control the quotas and protect stocks from excessive catch of protected species. By creating an offence for any violation, it is expected that enforcement of prohibited fishing will be eased and that instances of violation will decrease, thus increasing actual protection of legally protected stocks. In

some instances there may be inconvenience because of the necessity to return to shore to offload before starting to fish in another area.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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### 408-DFO OBSERVERS ON GROUND FISH VESSELS

Implementation of a regulation is being considered whereby the regional director-general may request the placement of an observer on board a groundfish trawl vessel for the purpose of collecting scientific data. This is now done on a voluntary basis by some vessels.

*Anticipated Impact:* Some vessels may be initially reluctant to comply. However, this will likely become less of a problem as vessels become familiar with the observer system. The data gathered on the fishing grounds would greatly enhance the management of this fishery.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Ed Zyblut, Manager, Offshore Division, Department of Fisheries and Oceans, 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel. (604) 666-3167

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### 409-DFO AGGREGATE ROCKFISH QUOTAS

This amendment has been recommended jointly by the Groundfish Advisory Committee and the Department of Fisheries and Oceans. It would allow the Department to regulate the harvest of rockfish by aggregating species in trip quotas. This practice of managing fisheries by aggregate trip quotas has been experimented with and found to be effective. Aggregate quotas offer flexibility for fishermen with respect to the type, quantity and ratio of rockfish caught on each trip. All parties agree that geographic movements of rockfish between specific environments and the resultant aggregating

behaviour make management in the aggregate the most viable option. Schedule III will be rewritten to provide for the aggregate species, add other species and adjust some quotas.

*Anticipated Impact:* The impact for affected fishermen will be positive as fishermen will now be able to harvest aggregate quotas of rockfish while meeting management objectives. This will permit fishermen to remain more easily within quotas and preserve fish by avoiding the need for excess dumping and waste.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## BRITISH COLUMBIA SPORT FISHING REGULATIONS

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### 410-DFO SPORT FISHING IN NON-TIDAL WATERS

A number of minor changes are proposed to existing schedules in the regulations, dealing with such matters as quotas, closed times, gear restrictions, etc. These changes are required for fisheries management and conservation purposes.

*Anticipated Impact:* No major impacts are anticipated. The changes will be mainly site-specific and often temporary in effect. No sweeping changes or new initiatives are anticipated.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 411-DFO HALIBUT PROVISIONS

Several amendments are proposed to provide a more effective method of implementing the decisions of the International Pacific Halibut Commission (IPHC). This will entail revocation of the International Pacific Halibut Regulations and the Canadian Pacific Halibut Regulations along with amendments to the British Columbia Fishery (General) Regulations and the British Columbia Sport Fishing Regulations.

*Anticipated Impact:* These changes will have the positive effect of permitting the International Pacific Halibut Commission decisions with respect to halibut fishery openings and closings to be made quickly and with fewer annual regulatory changes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14 and Northern Pacific Halibut Fisheries Convention Act, R.S.C. 1985, c. F-19

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 412-DFO MAXIMUM SIZE LIMIT FOR STURGEON

It is proposed to impose a maximum size limit of two metres for sturgeon in the sports fishery in tidal waters. This will conform to the size limit in non-tidal waters and will standardize conservation requirements in both the tidal and non-tidal portions of the Fraser River. It will also remove an enforcement problem where these waters join.

*Anticipated Impact:* Sturgeon larger than two metres will now be protected for conservation purposes in tidal as well as non-tidal waters. In the Fraser River, this will result in fewer inequities and in easier compliance with the law by fishermen. This proposal was brought about by complaints from fishermen who pointed out the inequity in waters that were separated only by a described line. As there was a need to conserve those larger, mature fish, the restriction was broadened to include tidal waters.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*



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#### 413-DFO

### RESTRUCTURE SALMON QUOTA SYSTEM

Amendments are proposed to restructure the quota system for salmon in non-tidal waters using the same basis as quotas presently established for fish other than salmon. It will entail daily quotas for all salmon, as well as a monthly and annual quota for chinook salmon. These province-wide quotas will be in table form.

*Anticipated Impact:* This quota system will increase fishing opportunities for a greater number of persons by distributing the catch over a much wider area. It should result in more river systems being open for longer periods of time with little increase in the overall catch from one stream. Some daily quotas may be adjusted downward, but this would enable a season to be prolonged. At the present time, streams are closed when fishing pressure increases or are only open for very short periods of time. This restructuring will improve fisheries management, provide increased opportunities to fish in some areas and allow the available chinook to be caught over a wider area and over a longer period of time. This will result in more anglers having the opportunity to fish and should result in increased tourist revenue.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 414-DFO

### CHINOOK SALMON TAGGING

Some amendments may be required to the chinook salmon-tagging regulations implemented in April, 1988. Tagging was a major initiative and amendments may be required to accommodate some situations that may have been overlooked. One such amendment may be related to possession of untagged chinook salmon. Another amendment may be housecleaning or clarifying of voluntary penalties for the tagging offences.

*Anticipated Impact:* These amendments would be relatively insignificant in impact, and would involve

clarification of the tagging regulations already in place.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 415-DFO

### SHELLFISH LICENCE FOR SPORT FISHING

There are an estimated 37 000 shellfish harvesters who fish for sport and who are not presently required to have a licence. It is proposed to require these people to buy a licence.

*Anticipated Impact:* Licensing sport fishermen for shellfish harvesting will allow identification of all persons fishing shellfish and provide for proper management and conservation of stocks through systematic, cost-effective collection of information on recreational shellfish harvesting. It will provide a better basis for making resource allocation decisions. As well, the sale of licences would provide minimum net revenue gains of \$325 000 annually. The Province of British Columbia has provided support to this proposal. Consultation with sport fishing groups is in progress.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## CANADIAN PACIFIC HALIBUT REGULATIONS

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#### 416-DFO REVOCATION

Several amendments are proposed to provide a more effective method of implementing the decisions of the International Pacific Halibut

Commission (IPHC). This will entail revocation of the International Pacific Halibut Regulations and the Canadian Pacific Halibut Regulations along with amendments to the British Columbia Fishery (General) Regulations and the British Columbia Sport Fishing Regulations.

*Anticipated Impact:* These changes will have the positive effect of permitting the International Pacific Halibut Commission decisions with respect to halibut fishery openings and closings to be made quickly and with fewer annual regulatory changes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14 and Northern Pacific Halibut Fisheries Convention Act, R.S.C. 1985, c. F-19

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## COASTAL FISHERIES PROTECTION REGULATIONS

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### 417-DFO LICENSING OF UNITED STATES SPORT FISHING CHARTER VESSELS

This proposal would require United States sport fishing charter vessels to be licensed in order to operate in Canadian Pacific Fisheries waters. This has been requested by Canadian charter operators and other industry spokesmen.

*Anticipated Impact:* The licensing requirement will enable the Department to maintain control over United States sport fishing charter vessels operating in Canadian waters. It is consistent with U.S. practice which prevents Canadian commercial sport charter vessels from operating in U.S. waters as well as laws respecting other commercial fishermen, both Canadian and American.

*Statutory Authority:* Coastal Fisheries Protection Act, R.S.C. 1985, c. C-33

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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### 418-DFO INCREASE LICENCE FEES FOR FOREIGN VESSELS

In November 1984, the Minister of Fisheries and Oceans announced that the Department would move towards increased recovery of costs associated with the surveillance of foreign fishing activity in Canadian waters. The costs to be recovered are those which are directly related to the surveillance of foreign fishing activity in Canadian waters (e.g., salaries of fishery officers and ships' crews, air surveillance costs and operational and administrative costs for surveillance, licensing and ships). Foreign licence fees were increased by 25 per cent in 1985 and 1986. An increase of 12.5 per cent is scheduled for 1989, and again in 1990.

*Anticipated Impact:* No impact on the Canadian fishing industry is anticipated. This proposal would shift the burden for surveillance costs from the Canadian taxpayer to the foreign fishing parties themselves, consistent with the practice of other countries.

*Statutory Authority:* Coastal Fisheries Protection Act, R.S.C. 1985, c. C-33

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## FISH INSPECTION REGULATIONS

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### 419-DFO GRADES FOR GROUND FISH AT POINT-OF-SALE

This proposal consists of amendments to part V, fresh and frozen fish, of the Fish Inspection Regulations to permit the grading of groundfish raw material at point-of-sale (dockside).

*Anticipated Impact:* As the quality of groundfish finished product depends upon the quality of the raw material, grading groundfish at the time of purchase (dockside) will permit processors to plan production for consistent quality products and maximum economic advantage.



*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 420-DFO

### REFERENCE TO HEALTH AND SAFETY REQUIREMENTS OF THE FOOD AND DRUGS ACT

On March 6, 1986, the Minister Responsible for Regulatory Affairs announced a series of regulatory reform initiatives, one of which, no. 43, requires Fisheries and Oceans to bring forward regulatory amendments to adopt by reference under its statutes all relevant health and safety regulations under the Food and Drugs Act. The Fish Inspection Regulations will be amended to include reference to specific provisions of the Food and Drugs Act.

*Anticipated Impact:* These changes will benefit the fish processing and importing industry by eliminating confusion as to the regulatory requirements for products imported and processed for sale in Canada.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 421-DFO

### LOBSTER MEAT PACKAGING REQUIREMENTS

Definitions of net weight, edible content and drained weight for fresh and frozen lobster meat will be added to the Fish Inspection Regulations. The specified can sizes and tolerances will be deleted to make it possible for industry to use new, innovative packaging. Minimum fill will be specified for packing lobster meat.

*Anticipated Impact:* Industry is now being granted exemptions under section 56 of the Fish Inspection Regulations. This change will formalize a practice

now in use and will bring the Fish Inspection Regulations into line with Consumer Packaging and Labeling requirements for net content.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 422-DFO

### REMOVAL OF DEFECTIVE CANS FROM LOTS OF CANNED SALMON

This proposal would add to section 24 of the Fish Inspection Regulations a requirement that all lots of imported and domestic canned salmon be inspected to identify the metal container and culled to remove defective cans. This is to be done either by mechanical means using double dud detectors and checkweighers or manually, using trained personnel.

*Anticipated Impact:* These changes are being implemented at the request of the canned salmon industry to provide reasonable assurance of the safety of canned salmon on the domestic and export markets.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 423-DFO

### NET AND DRAINED WEIGHT REQUIREMENTS FOR CANNED FISH AND FISH PRODUCTS

A minimum fish content will be required for fish products packaged in water, oil, vegetable broth, brine or pickling solution.

*Anticipated Impact:* Packers of fish products in oil or vegetable broth will object to the drained weight requirement; however, the minimum fish content requirement would stop the practice of packing excessive amounts of oil or vegetable broth in relation to fish content.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 424-DFO

### REMOVAL OF CAN-SIZE REQUIREMENTS FOR CHICKEN HADDIE AND LOBSTER

The Fish Inspection Regulations provide for three can sizes for lobster and two can sizes for chicken haddie. These regulations are restrictive as they do not provide for new packaging types such as the two-piece can and retortable pouches or the introduction of new packaging technology.

*Anticipated Impact:* No negative impact on industry is expected. Some exemptions have already been granted under 36(2) of the Fish Inspection Regulations for imports of chicken haddie with no unfavourable repercussions. This amendment will allow processors to use more competitive marketing techniques and increase sales.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 425-DFO

### CANNERIES – TEMPERATURE RECORDS

When a batch of fish is sterilized in a cannery retort, the temperature must be recorded continuously. It is imperative that any deviations in temperature or duration of the cooking period, as a result of a power or system failure, be recorded. A thorough analysis of this record would provide the assurance that the product had been cooked as required and is safe for human consumption.

Item 15 of schedule II currently requires that records be kept only for a 12-month period. Based on the Department's recent experiences of finding

products in distribution for up to five years, product records should be kept for five years.

*Anticipated Impact:* The anticipated impact on the cannery industry would be minimal. Most cannery operators realize the importance of keeping continuous records on fish and fish products that could be potentially injurious to health, are already equipped with continuous temperature recording equipment, and keep records for periods longer than 12 months.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Anticipated Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 426-DFO

### REQUIREMENT FOR TRAINING OF CANNERY RETORT OPERATORS

The operation of a retort is critical to the production of safe canned fish and fish products. The amendment would require that retort operators satisfactorily complete an accredited course in the operation of the equipment.

*Anticipated Impact:* There are fewer than 100 canneries in Canada, most of which are owned and managed by large companies with trained operators. The amendment would require that only trained operators who have successfully completed an accredited two-week technical course operate the retort. This course would cost several hundred dollars, but would provide a greater level of safety of canned fish and fish products.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 427-DFO

### DEFINITION OF "CAN"

The proposal is to amend the existing definition of "can" from "any hermetically sealed glass or metal container" to "any hermetically sealed container."



This amendment will broaden the definition to include other containers of commercially sterilized fish and fish products, such as pouch packs.

*Anticipated Impact:* This amendment simply clarifies the current definition in the regulations, thereby eliminating any confusion concerning certain newer types of containers.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 428-DFO

### INCREASE IN IMPORT INSPECTION FEES AND REVISION OF EVALUATIONS

A review, as required by Treasury Board policy on cost recovery, will be done of the fees currently charged for certain types of inspection as presently set out in the table to section 6.3. These amendments will increase the fees, add further "types of inspection," and clarify the terminology in certain other instances.

*Anticipated Impact:* No significant impact is anticipated. This amendment is part of the annual review of all fee schedules required under Treasury Board cost-recovery policy. The review carried out in the fiscal year 1987-88 did not result in any fee increase. There has been no increase of fees for import inspection evaluations since 1987. Any fee increases will not be implemented before 1989, a full two years since the last increase.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 429-DFO

### PROHIBITION OF ENTRY OF CERTAIN IMPORTED FISH PRODUCTS

Currently, under the Fish Inspection Regulations, in order to reject a product, an evaluation must be

carried out and the product must be shown to be in violation. A method will be sought to establish a mechanism within the regulations to block or prohibit the entry into Canada of certain imports. Such a prohibition would be applied primarily to products, from specific producers, which have been shown in the past to be unsafe, for example, products contaminated with pathogenic bacteria (such as *Listeria monocytogenes*, *Clostridium botulinum*, or *Salmonella* species) or products which commonly contain levels in excess of Canadian tolerances for certain pesticides, heavy metals or other chemical contaminants. Such a mechanism would allow for the rejection and the removal from Canada of certain imports without the expense and time delay required to detain and evaluate.

*Anticipated Impact:* There will be minimal impact on importers who will be advised, via Departmental notifications, of products which will not be permitted entry into Canada. The greatest impact will be on the Department of Fisheries and Oceans, which will be able to concentrate on routine monitoring of imports rather than on mandatory evaluations of products which are known to be dangerous or unsafe.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* A.J. Gervais, Director, Scientific & Technical Programs, Inspection Services Directorate, Department of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0148

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#### 430-DFO

### REMOVAL OF REQUIREMENT TO DISPLAY CERTIFICATION STICKER

Section 18 of the Fish Inspection Regulations requires that a vessel must display a certification sticker to indicate that it is in compliance with schedule III. If the vessel is not in compliance, the sticker may be removed by an inspector.

The removal of the sticker has caused problems for the fish inspectors and invoked the ire of vessel owners, particularly when it has been affixed to a plastic windshield or a newly painted part of the vessel.

*Anticipated Impact:* Both national headquarters and regional offices of the Department are equipped with computer hardware and software to manage the data concerning vessel registrations. No additional equipment would be required and since the information is presently being captured in a useable

format, no additional costs are foreseen. Conflicts between vessel owners and inspectors would be reduced.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Anticipated Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 431-DFO

### REQUIREMENT FOR INSTALLATION OF ANTI-BACK FLOW DEVICES

At present, the Fish Inspection Regulations do not require anti-back flow devices in the plumbing systems to prevent the back siphoning of contaminated water or other hazardous substances into the potable water lines or other supply piping of processing establishments. Back siphoning occurs when the pressure in the supply piping is reduced and contaminated water or hazardous materials are sucked into it.

Back siphoning could cause the contamination of water supplies and, if bacteria of public health significance or toxic substances are involved, illnesses could result.

Anti-back flow devices are currently required by the National Sanitary Shellfish Program (NSSP) before a shellfish processor can operate and export shellfish into the United States.

*Anticipated Impact:* The requirement for anti-back flow devices would augment an operation's ability to produce a safe product, which would have a positive impact on public health safety. It can be justified based on the experience in other countries with contaminations in plants where no anti-back flow devices existed. The costs of installing the required check valves into the plumbing would be minimal and proportional to the size of the operation.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Anticipated Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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#### 432-DFO

### CLARIFICATION OF SCHEDULES I AND II

Schedules I and II provide the industry with the specifications for the acceptable construction and operation of a registered processing plant. These requirements are listed repeatedly under each operation, i.e., canneries; fresh or frozen; pickled, spiced or marinated; and salted. The intent is to rewrite the schedules to consolidate and clarify these requirements. Furthermore, definitions will be provided for such statements as "as approved by the Minister" and "acceptable to the Minister."

*Anticipated Impact:* This exercise would not have any significant impact on the fishing industry or the general public. The intent of the regulations would not change. The consolidation of the information would reduce the paper burden, simplify the application of the schedules and make them more easily understood.

*Statutory Authority:* Fish Inspection Act, R.S.C. 1985, c. F-12

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* D. Bevan, Director, Field Operations, Inspection Services Directorate, Department of Fisheries and Oceans, Station 1101, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0412

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### FISHING AND RECREATIONAL HARBOURS REGULATIONS

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#### 433-DFO

### FEES FOR USE OF A HARBOUR

A review of the fees for use of a harbour (wharfage, berthage, storage, boat launching, etc.) may result in certain changes. One such change is the introduction of an exemption for senior citizens from the fee for launching a recreational vessel. In this case, a senior citizen is defined as a Canadian citizen over the age of 65 years.

*Anticipated Impact:* The overall impact on Canadians will be minor. If any fee increases are introduced, they will be based on costs of providing services to the public. Senior citizens will be positively affected by the exemption from launching fees, and the revenue loss from these fees will be very minor.

*Statutory Authority:* Fishing and Recreational Harbours Act, R.S.C. 1985, c. F-24



*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.A. Godin, A/Director, Small Craft Harbours Branch, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel. (613) 993-3012

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#### 434-DFO

### PROHIBITION OF SWIMMING IN SCHEDULED HARBOURS

An amendment to the regulations is proposed to restrict swimming and diving activities in scheduled harbours.

*Anticipated Impact:* Although this amendment may reduce recreational swimming opportunities in certain waters in scheduled harbours, it is considered necessary for the safety and well-being of the boating and general public using these harbours.

*Statutory Authority:* Fishing and Recreational Harbours Act, R.S.C. 1985, c. F-24

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M.A. Godin, A/Director, Small Craft Harbours Branch, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel. (613) 993-3012

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### FOREIGN VESSEL FISHING REGULATIONS

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#### 435-DFO

### RESTRICTED OTTER TRAWL FISHING, CABOT ISLAND - FUNK ISLAND, NEWFOUNDLAND

Increased use of fixed fishing gear on the Funk Island Banks, Newfoundland, has resulted in numerous complaints and protests from inshore fishermen regarding interference from large draggers (domestic and foreign) using otter trawls. There has been loss of and damage to fixed gear. It is proposed to extend the boundaries of the existing area off Cabot Island - Funk Island in which otter trawl fishing is prohibited. To effect this change it will be necessary to amend co-ordinates in Schedule V to the Foreign Vessel Fishing Regulations.

*Anticipated Impact:* The geographical extension being proposed does not encompass a large area in relation to the existing closed area and would have minimal effect in either the domestic or foreign fishing fleets which have operated in the area during the past.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* c. Best, Staff Officer, Groundfish, Department of Fisheries and Oceans, P.O. Box 5667, St. John's, Newfoundland, A1C 5X1. Tel. (709) 772-4594

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#### 436-DFO

### CO-ORDINATE CHANGES FOR WHITE HEAD HOLE AND SILVER HAKE BOX

This proposal provides for the correction of co-ordinate errors in the White Head Hole closure area and extends the Silver Hake Box approximately 60 miles eastward.

*Anticipated Impact:* There will be no negative impact as this simply corrects an error in the White Head Hole co-ordinates, and legitimizes in regulation the extended Silver Hake Box area now being fished by foreign fishing vessels under the authority of their foreign fishing vessel licences.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### INTERNATIONAL PACIFIC HALIBUT CONVENTION REGULATIONS

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#### 437-DFO REVOCATION

Several amendments are proposed to provide a more effective method of implementing the decisions of the International Pacific Halibut Commission (IPHC). This will entail revocation of the

International Pacific Halibut Regulations and the Canadian Pacific Halibut Regulations along with amendments to the British Columbia Fishery (General) Regulations and the British Columbia Sport Fishing Regulations.

*Anticipated Impact:* These changes will have the positive effect of permitting the International Pacific Halibut Commission decisions with respect to halibut fishery openings and closings to be made quickly and with fewer annual regulatory changes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14 and Northern Pacific Halibut Fisheries Convention Act, R.S.C. 1985, c. F-19

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mel Hart, Regulations Officer, Department of Fisheries and Oceans, 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel. (604) 666-2185

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## MANAGEMENT OF CONTAMINATED FISH REGULATIONS

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438-DFO

### MANAGEMENT OF CONTAMINATED FISH

These new regulations will consist of an amalgamation of the current Sanitary Control of Shellfish Regulations and those sections of the New Brunswick, Nova Scotia, Prince Edward Island and Quebec Fishery Regulations and the Pacific Shellfish Regulations dealing with contaminated or toxic shellfish into one comprehensive set of regulations. The proposed regulations will also cover the management of other fish stocks which are contaminated or toxic.

*Anticipated Impact:* These changes will benefit the industry by eliminating confusion and will allow more timely closing and opening of fisheries affected by contamination and toxicity.

Failure to pass the proposed regulations will result in continued confusion and delays in opening and closing shellfish fisheries affected by contamination or toxicity. Under the current process, amendments to change the existing regulations may take from three to six months. This delay could result in placing the shellfish enforcement program and the health of shellfish consumers in jeopardy when there is a need to close a fishery. A delay in openings results in unnecessary economic hardship for fishermen.

Failure to pass these regulations will also result in the inability of the Department to regulate the harvesting of other toxic or contaminated fish stocks.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* A.J. Gervais, Director, Scientific and Technical Programs Branch, Inspection Services Directorate, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0148

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## MANITOBA FISHERY REGULATIONS, 1987

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439-DFO

### COMMERCIAL AND SPORT FISHING MANAGEMENT

These amendments will generally reduce harvest of selected fish stocks, thereby providing a higher quality of angling to the public. They include specific measures to protect fish stocks by prohibiting the wastage of commercially caught fish and, by limiting the use of live bait fish, guarding against accidental introductions of undesirable fish species. An amendment is also included to require sport fishermen from outside Manitoba who are 65 years of age or over to purchase a sport fishing licence.

*Anticipated Impact:* Costs associated with these amendments are limited. Senior citizens who are not Manitoba residents will have to purchase licences in order to sport fish. In addition to the maintenance of benefits to Manitoba's economy, the conservation of fish stocks, especially in northern Manitoba and the Red River, will be assured.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* David Fitzjohn, Sport Fishing Specialist, Fisheries Branch, Manitoba Department of Natural Resources, Box 20, 1495 St. James Street, Winnipeg, Manitoba, R3H 0W9. Tel. (204) 945-7813



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## NEW BRUNSWICK FISHERY REGULATIONS

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440-DFO

### INCLUSION OF SEVERAL SALMON RIVERS IN CATEGORY OF "FLY FISHING ONLY"

In the present regulations, most, but not all, salmon rivers are scheduled for fly fishing only during a specific portion of the angling season. This helps to protect the salmon population from lure fishermen. In order to properly manage and protect this resource, additions to the schedule dealing with scheduled waters are being requested. These additions are supported by all user groups and the provincial authorities. This proposal should be in effect for the 1989 angling season.

*Anticipated Impact:* Trout anglers will have their season disrupted for a short period each season but they will still be able to angle with lures during a portion of the fishing season.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* F. Ring, Senior Advisor, Anadromous Fish, Resource Allocation, Department of Fisheries and Oceans, Moncton, New Brunswick, E1C 9B6. Tel. (506) 857-7805

441-DFO

### COMPOSITE ATLANTIC SALMON ANNUAL LIMIT

The proposed regulation will revise salmon angling bag limits in New Brunswick to allow anglers to take large salmon (salmon over 63 cm). The number permitted may be varied annually depending upon fish resources available for harvest. The Atlantic salmon conservation strategy implemented in 1984 should result in a surplus production of large salmon starting in 1989. This surplus cannot be allocated under current regulations which prohibit the retention of any large salmon.

*Anticipated Impact:* There will be only a positive impact with no costs. The allocation of surplus large salmon will result in more anglers fishing for Atlantic salmon and will increase economic benefits to the sport-fishing service industries. The regulation will provide more flexible management of the salmon resource and reduce restrictions placed on anglers. The regulation will apply in New Brunswick; however, similar regulations are proposed for the other Atlantic provinces.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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442-DFO

### BLACK SALMON HOOK AND RELEASE LIMIT

Black salmon are fish returning to the sea in the spring after having spawned during the previous fall. The proposed regulation will revoke the current limit applied on the number of Atlantic salmon that can be hooked and released in a day during the spring fishery for black salmon in New Brunswick. The current limit is twice the daily bag limit of two fish. This fishery exists only in New Brunswick.

*Anticipated Impact:* There will be a positive impact: there is no cost associated with this proposal, which brings some deregulation to the fishery, and improves the economic benefits to the recreational fishing industry. The stocks, which are expected to be in a healthy state following the conservation plan implemented in 1984, will not be affected. The current restriction reduces the number of anglers in the spring fishery and thus has a negative impact on the sport-fishing industry. With this amendment, anglers will have an increased opportunity to participate in the fishery and the industry servicing these anglers, e.g., outfitters, guides, travel services and sporting goods stores, will benefit.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Bernard Vézina, Staff Officer, Resource Allocation Branch, Department of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0091

443-DFO

### CHANGES TO WINTER ICE-FISHING SCHEDULES AND TIDAL WATERS BOUNDARIES

Pursuant to the recommendations of the Winter Ice-Fishing Committee and federal and provincial representatives, amendments to include or revoke a number of lakes must be undertaken to reflect changes in the local situation.

The amendments to the tidal waters boundaries are necessary as several changes (such as new bridges) have been made to the previous boundary markers.

*Anticipated Impact:* The winter ice-fishing amendments will have no adverse impact as the public will have more lakes in which they may fish which will, biologically, be able to support a winter fishery. This is due, in part, to the fish-stocking programs that have been initiated and monitored by both levels of government.

There should be no negative impact as a result of the amendments to the tidal water boundary descriptions as all structures used will be well-known landmarks.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* K. Robertson, Regulations Officer, Conservation and Protection, Department of Fisheries and Oceans, Moncton, New Brunswick, E1C 9B6. Tel. (506) 857-7799

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#### 444-DFO

### **EXCLUSIVE SPORT-FISHING AREA ON THE SAINT JOHN RIVER FOR THE KINGSCLEAR INDIAN BAND**

The portion of the Saint John River downstream from the Mactaquac Dam to McKinley Ferry is currently closed to angling.

The Kingsclear Indian Band is negotiating with the Department to revoke this regulation and implement new provisions which would give the Kingsclear Band exclusive sport-fishing privileges in this area. The Kingsclear Band is planning to establish a fishing lodge where sport fishermen can stay.

*Anticipated Impact:* Maintaining the band lodge and providing guide services to sport fishermen will provide major economic, social and employment benefits to the members of the band. Band members currently engage in a food fishery in a portion of this area by means of gill nets. It is expected that this food fishery will be phased out as the benefits accrue from the lodge and sport fishery. This will benefit the fish stocks, especially salmon, as less pressure will be exerted by sport fishing than by gill netting. Local residents will not be affected as the area is already closed to angling.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### **NEWFOUNDLAND FISHERY REGULATIONS**

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#### 445-DFO

### **BOUNDARIES OF THE LA SCIE AND SHOE COVE COD FISHERY AREAS**

The La Scie Fishermen's Committee has requested that the boundaries of its cod fishery area be extended to run from Tom Saunders Point in Cape Cove, inside coming out, south to Sleepy Line on the north, both points inclusive. The Shoe Cove Fishermen's Committee has requested that the boundaries of its cod fishery area be extended to run from, but not including, Tom Saunders Point in Cape Cove on the north to a line drawn south by west from Caplin Cove on the south.

*Anticipated Impact:* This proposal will have a positive impact on fishermen fishing in the La Scie and Shoe Cove cod fishery areas and does not affect other fishermen. This change will extend the fishing grounds and accommodate more cod traps and cod trap fishermen.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G. Burke, District Protection Officer, Department of Fisheries and Oceans, P.O. Box 557, Grand Falls, Newfoundland, A2A 2J9. Tel. (709) 292-5166

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#### 446-DFO

### **ST. JULIEN'S AND ENGLEE-RODDICKTON COD/SALMON FISHERY AREAS**

This proposal is in response to petitions from fishermen to establish the following fishery areas in Newfoundland: salmon fishery areas, St. Julien's area and Englee-Roddickton area; cod fishery areas, St. Julien's area and Englee-Roddickton area. These areas relate to persons fishing for salmon



with gill nets and trap nets and for cod with cod traps.

*Anticipated Impact:* This proposal will not involve additional costs to the fishermen or the Department as the administrative mechanisms are already in place. The proposal only affects the fishermen fishing within a particular area. These amendments will bring order to their fisheries and enable them to plan better which will play a significant role in reducing gear conflicts and foster better relations between fishermen, and between fishermen and the Department.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 447-DFO

### **SALMON TAGGING PROVISIONS, SPORTS FISHERY**

The proposed regulation will provide for the tagging of salmon in the sports fishery in the province of Newfoundland. (Tagging of salmon exists in all salmon fisheries in the Atlantic Provinces except in the sports fishery in Newfoundland.) Persons will be required to attach a tag to each salmon caught and retained. It is anticipated that tags will be issued with the Provincial Inland Salmon Fishery Licence.

*Anticipated Impact:* This provision will bring consistency to all Atlantic provinces. It will also assist in controlling poaching as all salmon would require tagging and it would be illegal to possess a salmon that was not tagged. In 1987, Newfoundland introduced an annual catch limit for salmon of 15 and this amendment will assist in enforcing this provision.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 448-DFO

### **COMPOSITE ATLANTIC SALMON ANNUAL LIMIT**

The proposed regulation will revise salmon angling bag limits in Newfoundland to allow anglers to take large salmon (salmon over 63 cm). The number permitted may be varied annually depending upon fish resources available for harvest. The Atlantic salmon conservation strategy implemented in 1984 is expected to result in a surplus production of large salmon starting in 1989. This surplus cannot be allocated under current regulations which prohibit the retention of any large salmon.

*Anticipated Impact:* There will be a positive impact with no costs. The allocation of surplus large salmon will result in more anglers fishing for Atlantic salmon resulting in increased economic benefits to the sport-fishing service industries. The regulation will provide a more flexible management of the salmon resource and reduce restrictions placed on anglers. The regulation will apply in Newfoundland; however, similar regulations are proposed for the other Atlantic provinces.

*Statutory authority:* Fisheries Act, R.S.C. 1985, c. F.-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Bernard Vézina, Staff Officer, Resource Allocation Branch, Department of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario, K1A 0E6.  
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#### 449-DFO

### **REVISION TO THE BOUNDARIES OF THE TERRA NOVA RIVER**

A natural obstruction has been removed from the Terra Nova River, and salmon have been introduced into the upper watershed. The section of the river system above Mollyguaieck Falls is not now scheduled and is not subject to the regulations designed to protect salmon in scheduled salmon rivers, especially the requirement to angle with flies only. It is proposed to include the complete river system in the schedule.

*Anticipated Impact:* This amendment will place no additional costs on salmon fishermen; however, it will require an increase in enforcement and surveillance activity. Trout fishermen who fish the upper watershed will find that their fishing season will be shortened. They will also be restricted to fly-fishing and will require a provincial licence. The presence of salmon in the upper watershed should provide increased tourist activity and production of salmon for the recreational and commercial fisheries.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* W.P. Davis, District Protection Officer, Department of Fisheries and Oceans, P.O. Box 970, St. John's, Newfoundland, A1C 5M3.  
Tel. (709) 772-5045

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#### 450-DFO

### ADDITION OF ROCKY RIVER TO LIST OF SALMON RIVERS

This proposal will add Rocky River, St. Mary's Bay, Newfoundland to the list of salmon rivers set out in schedule I. An enhancement project has been carried out on this river and salmon have been introduced throughout the river system. To protect the salmon from over-exploitation, it is necessary to subject this river to the regulations designed to protect salmon in scheduled rivers, especially the requirement to angle with flies only.

*Anticipated Impact:* This amendment will place no additional costs on salmon fishermen. Trout anglers who fish in this river will be affected as their season will be shortened. They will be restricted to fly-fishing, and a provincial licence will be required. The presence of salmon in this river should provide increased tourist potential and production of salmon for the commercial fishery. The addition of this river will require an increase in enforcement and surveillance activity.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## NORTHWEST TERRITORIES FISHERY REGULATIONS

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#### 451-DFO

### SPECIAL SPORT-FISHING LICENCE FOR DESIGNATED WATER BODIES AND AREAS

Under the terms of the Inuvialuit Final Agreement (IFA), the Fisheries Joint Management Committee (FJMC) is responsible for developing, maintaining and controlling a public registration system for fishing on designated 7.(1)(a) and 7.(1)(b) lands. The FJMC has recommended that this process should include the requirement to obtain a special sport fishing licence to fish in these specific waters.

The Great Bear Lake Management Committee (GBL-MC) is in the process of developing a long-term management plan for the Great Bear Lake subsistence and sport fisheries. In order to maintain the subsistence fishery and a high-quality (trophy) sport fishery, the GBL-MC wants to impose a special sport-fishing licence and the limitation of the number of available licences. The GBL-MC, which comprises Dene, sport-fishing, NWT government and Fisheries and Oceans members, has recommended that a special sport fishing licence be initiated for Great Bear Lake.

*Anticipated Impact:* This proposal will contribute to the Department's and FJMC's responsibilities towards implementation of the IFA in the Western Arctic and help control of fishing on Inuvialuit lands. The help Dene subsistence fishermen and participants in the extremely valuable trophy sport fishery have unanimously recommended that this proposed measure be taken to help maintain the fishery. This proposal may have an effect on a limited number of itinerant sport fishermen, but if a restricted number of licences were instituted in the future, a fair allocation of special licences would be set aside for itinerant fishermen. The special sport-fishing licences should be available April 1, 1989.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 452-DFO

**REDUCED SPORT-FISHING CATCH AND POSSESSION LIMITS ON DESIGNATED WATERS**

The sport-fishing lodge operators on Great Bear Lake and a number of lodges in the Keewatin are presently voluntarily restricting the catch and possession limits on lake trout below those set by regulation in order to maintain a high-quality trophy fishery. Most lodge operators in the Keewatin have repeatedly requested that the Department lower the catch and possession limits.

Any changes in catch and possession limits will be discussed further with the NWT Sport Fishing Lodge Association and individual lodges before amendments are made. Changes to catch and possession limits on local lakes will be made in consultation with the Yellowknife Sportsmen's Hunters and Trappers Association and by public meetings.

*Anticipated Impact:* The impact on specific sport-fishing lodge operations will be minimal as they are already voluntarily implementing restrictions and have requested the amendments.

There may be some disagreement with local fishermen on limits on lakes with road access, but this should be off-set by improved angling in the long term.

A preliminary list of fly-in lodge operations for reduced limits includes Great Bear, Kasba, Neultin, Dubawnt, North and South Henik, Snowbird, Obre, Smalltree and Mosquito lakes. Affected road access lakes would include Prosperous, Prelude, Reid and Walsh lakes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 453-DFO

**REDUCED CATCH LIMIT FOR FRESHWATER CREEK ARCTIC CHAR**

Until 1988 there was an intensive recreational and native food fishery for Arctic char from Freshwater Creek, Greiner Lake and its tributaries, and Cambridge Bay. Assessment of the Arctic char stock from 1982 to 1987 indicates that this stock is over-exploited. Through a community incentive, a consensus was reached in January 1988 voluntarily to ban the native gill-net fishery, and to reduce the

recreational fishery daily catch limit of four to one. A total ban on the recreational fishery would impose undue hardship on all residents because it is almost the only form of recreation for many.

*Anticipated Impact:* The reduced catch limit, together with the voluntary ban on the native food fishery, will enable the Freshwater Creek Arctic char stock to rebuild. The rebuilt stock will be able to support larger fisheries. The reduced catch limit is supported by the Cambridge Bay community. Although the proposed change would still allow recreational fishing on Freshwater Creek, residents and tourists may make more trips to other water bodies and tourists may shorten their visits to the area.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 454-DFO

**RESTRICTION ON MESH SIZE OF GILL NETS AND CLOSED SEASONS FOR DOMESTIC FISHERMEN ON DIANA RIVER AND DIANA LAKE**

The over-harvesting of Arctic char of the Diana River and Diana Lake by domestic, commercial and sports fishermen has led to the decline of that fish stock. After consultation with resource users, the commercial fishery was closed and sport-fishing catch and possession limits were reduced. The domestic fishermen attempted to control voluntarily their fishing effort by restricting themselves to one net per family. Further Departmental research, supported by information from local Inuit fishermen, indicates that the population is recovering at a slow rate at the present harvesting level.

The Rankin Inlet Hunters and Trappers Association (composed mainly of domestic and former commercial fishermen) has recommended that further measures be taken to protect the resource and enhance the recovery. Therefore, it is proposed that the regulations be amended to establish a minimum mesh size of 139 mm for gill nets used in the domestic Arctic char fishery in the Diana River and Diana Lake, and to establish a spring season when gill nets could not be used in this fishery.

*Anticipated Impact:* Some domestic fishermen in Rankin Inlet might not have gill nets of 139 mm mesh size and would be subjected to a financial hardship if required to purchase new nets. It is

expected that the use of these gill nets would allow smaller fish to escape and would also limit the number of fish taken in the fishery, as the present population is composed largely of younger and smaller year classes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 455-DFO

### **RESTRICTION ON MESH SIZE OF GILL NETS AND CLOSED SEASON FOR DOMESTIC FISHERMEN ON SYLVIA GRINNELL RIVER AND SYLVIA GRINNELL LAKE**

The Arctic char population of the Sylvia Grinnell River and Sylvia Grinnell Lake has been over-harvested by domestic, commercial and sports fishermen. This has led to the commercial fishery being closed. Continued exploitation by domestic and sports fishermen is keeping the population at a very reduced level. Some domestic fishermen are using gill nets as small as 50 mm, resulting in the harvesting of immature char.

Consultation with the local hunters and trappers association has taken place over several years but the over-harvesting continues as the river is readily accessible to the rapidly growing town of Iqaluit. One of the measures recommended is to establish a minimum mesh size of 139 mm for the gill nets used by domestic fishermen so that smaller fish can escape. A second recommendation is to establish a season in the spring during which domestic fishermen would not be permitted to use gill nets.

*Anticipated Impact:* It is expected that the use of gill nets of 139 mm in the domestic fishery would allow smaller fish to escape and also would reduce the number of fish taken in this fishery, as the present population is composed largely of younger and smaller year classes of fish. This would permit the development of larger Arctic char and the protection and redevelopment of a resource that is now in decline and in danger of depletion if no action is taken.

If domestic fishermen were required to use gill nets of 139 mm, many fishermen would not set nets in the river as they would catch very few fish. Some domestic fishermen in Iqaluit may not have gill nets of 139 mm mesh size and would be subjected to a financial hardship if required to purchase new nets.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 456-DFO

### **REDUCTION OF SPORT FISHING CATCH AND POSSESSION LIMITS ON THE SYLVIA GRINNELL RIVER NEAR IQALUIT**

The Sylvia Grinnell River, within walking distance of Iqaluit, has been subjected to heavy sport fishing and native subsistence net fishing. Assessment of the Arctic char stocks has shown a severely depleted stock. Consultations are under way with the local hunters and trappers association to secure agreement to close the river to subsistence net fishing or to use gill nets with meshes large enough to avoid catching immature fish. If the sport fishermen are restricted, the subsistence fishermen will be more agreeable to a closure or restriction on net fishing. The sport fishing catch and possession limits would be reduced from four and seven, to two and four respectively.

*Anticipated Impact:* There will be a minor impact on licensed non-native sport fishermen who may have to travel to other, less accessible locations if they want more fish. Local Inuit senior citizens will not be affected as sport fishing catch and possession limits do not apply to natives who are fishing for food.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 457-DFO

### **IMPLEMENTATION OF INUVIALUIT FINAL AGREEMENT RE LICENCES**

It is proposed to amend the Northwest Territories Fishery Regulations to provide relevant commercial and sport-fishing licences at no cost to beneficiaries



of the Inuvialuit Final Agreement and to allow the sale of domestic (subsistence) fish caught by beneficiaries of the Inuvialuit Final Agreement to other beneficiaries. Monitoring of harvests for conservation purposes will be instituted under other provisions of the Inuvialuit Final Agreement. The proposed amendment was developed through consultations with the Inuvialuit Game Council, representing Inuvialuit hunters, trappers and fishermen.

**Anticipated Impact:** These amendments will contribute to the settlement of land claims in the Western Arctic. Licence revenues will decline very little. Deregulation of the sale of subsistence-caught fish among Inuvialuit may provide a mild stimulus to the local economy. The amendments will ensure that the Northwest Territories Fishery Regulations conform to the provisions of the Inuvialuit Final Agreement, which settles land claims in the Western Arctic and which allows beneficiaries of the agreement to engage in fishing without payment of licence fees and allows the sale, trade or barter of fish caught in domestic or subsistence fisheries to other Inuvialuit.

**Statutory Authority:** Fisheries Act, R.S.C. 1985, c. F-14

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 458-DFO

### CHANGE IN AREA DESCRIPTIONS TO CONFORM TO BOUNDARIES OF THE INUVIALUIT SETTLEMENT REGION

Beneficiaries of the Inuvialuit Final Agreement (IFA) are allowed to engage in fishing without payment of licence fees and have preferential rights to fishing within the Inuvialuit Settlement Region (ISR).

The present description of fishing areas in schedule II includes waters within and outside the ISR. But defined areas should correspond to the boundaries of the ISR. There are five areas in the Western Arctic and changes in area descriptions would result in areas I, II and V being outside the ISR and areas III and IV being within the ISR.

**Anticipated Impact:** New area boundaries would correspond to the boundaries of the ISR, would more closely represent user groups by settlement, and would conform to the fisheries management plans for the IFA.

**Statutory Authority:** Fisheries Act, R.S.C. 1985, c. F-14

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 459-DFO

### REVISION AND CONSOLIDATION OF SCHEDULE OF WATERS FOR COMMERCIAL FISHING

Schedule V of the regulations lists water bodies that may be opened for commercial fishing. When the schedule was first developed, many water bodies were listed in the event that someone wanted to fish them. Assessments over the past few years have clearly shown that some waters listed are not suitable or capable of supporting a commercial fishery; these will be dropped from the schedule. There are a number of additional items, such as inaccurate co-ordinates and incorrect names, which will be corrected. There are also a number of lakes which now have viable sport-fishing lodge operations and their viability is not compatible with commercial fishing; these also will be dropped from the schedule.

Under the terms of the Inuvialuit Final Agreement, preferential rights to harvest fish commercially in the scheduled lakes that are within the Inuvialuit Settlement Region (ISR) will be listed separately from those outside the ISR.

**Anticipated Impact:** The revisions will reduce the length of the schedule by deleting water bodies not suitable for commercial fishing, will clearly list waters within the ISR to which the Inuvialuit have preferential rights, and will provide correct names and locations for waters incorrectly listed. The sport-fishing lodges located on lakes which are listed in schedule V have repeatedly requested the removal of the lakes from the schedule. Their removal will give the lodges some assurance that their businesses will not be at risk from commercial fishing. There will be no adverse effect on existing commercial fishing. Deleting lakes from the schedule at this time does not preclude listing the lakes again in the future as economic conditions change or wildlife management boards, under pending land claims settlements, develop new fishery management plans.

**Statutory Authority:** Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 460-DFO

### REVISION OF FORMAT OF SCHEDULE OF SPORT-FISHING CATCH AND POSSESSION LIMITS

The present format of schedule VI makes it difficult to add new catch and possession limits without making the schedule very difficult for the public to read and understand. The proposed format would indicate species in column I, waters in column II and daily catch and possession limits in columns III and IV.

*Anticipated Impact:* The change should be well accepted by the fishing public in that the revised schedule will be much clearer. This is not a substantive amendment although it provides for better accommodation of future changes.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## NOVA SCOTIA FISHERY REGULATIONS

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#### 461-DFO

### (A) EXPANSION OF AREA TO WHICH THE MINIMUM LEGAL SIZE FOR CLAMS WILL APPLY; AND (B) LICENCE REQUIREMENTS FOR COMMERCIAL CLAM DIGGERS

There is strong support from the commercial sector for conservation measures in the clam fishery. Since some counties have a minimum clam size restriction now, it is a matter of expanding the areas to which the regulations apply. There is concern

that stocks could be seriously depleted if no minimum legal size is established.

*Anticipated Impact:* All diggers will be required to release undersized clams. This will have a positive effect on future clam stocks. Commercial diggers will have to pay a licensing fee. Minor initial costs for purchasing appropriate gauges to determine shell size will be incurred by the Department.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 462-DFO

### COMPOSITE ATLANTIC SALMON ANNUAL LIMIT

The proposed regulation will revise salmon angling bag limits in Nova Scotia to allow anglers to take large salmon (salmon over 63 cm). The number permitted may be varied annually depending upon fish resources available for harvest. The Atlantic salmon conservation strategy implemented in 1984 should result in a surplus production of large salmon starting in 1989. This surplus cannot be allocated under current regulations which prohibit the retention of any large salmon.

*Anticipated Impact:* There will be only a positive impact and no costs. The allocation of surplus large salmon will result in more anglers fishing for Atlantic salmon resulting in increased economic benefits to the sport-fishing service industries. The regulation will provide more flexible management of the salmon resource and reduce restrictions placed on anglers. The regulation will apply in Nova Scotia; however, similar regulations are proposed for the other Atlantic provinces.

*Statutory authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## ONTARIO FISHERY REGULATIONS

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### 463-DFO REGULATORY STRATEGY FOR ONTARIO TROUT STOCKS

The proposed amendment to the Ontario Fishery Regulations will provide simplified and consistent regulatory treatment of all trout species in Ontario, as recommended by the Provincial Committee on Lake Trout Regulatory Strategy. The proposed amendment puts forward a broad, co-ordinated approach to current regulations across fishing divisions. Generic seasons and catch limits will be established for fishing divisions according to whether they lie in Northern Ontario (north of the French River), Southern Ontario or the Great Lakes. As the primary intent of this regulatory initiative is the protection of lake trout stocks, seasons will be shortened in the Great Lakes and in portions of central and southwestern Ontario, and the daily lake trout catch and possession limit in southern Ontario will be reduced to two fish. In addition, a daily catch and possession limit of five salmonids in the aggregate is proposed for all waters. Exemptions to the generic regulations may be made in waters where a species requires additional protection or for experimental management purposes. The amendment is expected to come into force on January 1, 1990 and does not contain a sunset clause.

*Anticipated Impact:* As a result of this amendment, the fall angling season for lake trout in the Great Lakes will be reduced by two months, and anglers will have their total daily catch of salmonids reduced from 14 fish (one Atlantic salmon plus one aurora trout plus seven brook trout plus five Pacific salmon, rainbow trout, brown trout and lake trout in the aggregate) to any combination of five trout or salmon that does not exceed individual species catch limits. Two benefits are anticipated from these tightened regulations: first, a general reduction in the complex array of salmonid regulations in the province and second, improved protection of salmon and trout stocks and facilitated rehabilitation of over-exploited populations.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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### 464-DFO DISTRICT FISHERIES MANAGEMENT PLANS

The proposed amendments arise from the preparation of Ontario Ministry of Natural Resources District Fisheries Management Plans (DFMP). A wide variety of regulatory initiatives are proposed as a result of the DFMP process, including a number of changes to fishing division boundaries in Northern Ontario to facilitate the delivery of management strategies on a more localized basis.

Restrictive regulations include fish sanctuaries to protect congregated spawning fish or alleviate fishing pressure on newly stocked waterbodies; various bait restrictions in parts of fishing divisions 4, 15, 18 and 22; catch and release angling for muskellunge in a limited area of Northwestern Ontario; trophy size limits to reduce the impact of new angling techniques (downriggers, night fishing, etc.) on broodstock; minimum, trophy and slot size restrictions for lake trout, northern pike and walleye in several lakes; gear restrictions, including barbless hooks only in Clearwater Bay - Cul de Sac - Echo Bay of Lake of the Woods; new or revised closed seasons in specific waters for lake trout, Pacific salmon (divisions 4 and 6), brook trout (a number of stocked ponds in division 20), sturgeon (divisions 2, 8, 11 and 12), northern pike (Eagle Lake), bass (divisions 11, 12, 18 and 20), and walleye (divisions 9, 11, 12, 18, 21, 22 and 23); measures to protect Atlantic salmon from overexploitation during a rehabilitation program and to promote it as a trophy and heritage species; reduced catch limits in specific lakes and rivers to protect lake trout, brook trout and walleye; a prohibition on night fishing in the mouth of the Saugeen River; and a ban in the Northwestern Region on all harvest of smelt and use as bait.

Proposed expanded fishing opportunities include: revocation of Crooked Bay (Six Mile Lake) fish sanctuary; extension of the largemouth bass season in division 16 and carp bow fishing season in divisions 2 and 6; implementation of a fall fishing season for brown and rainbow trout in the Sauble River and Bronte Creek; all-year open seasons for rainbow and brown trout in Grindstone Creek, Notawasaga River, Sturgeon River, Coldwater River, all streams in the regional municipality of Durham and all streams in Northumberland County except Shelter Valley; development of public fish viewing sites on Whitefish Creek in Sault Ste. Marie and on the Muskoka River; removal of live bait restrictions on eight lakes in Temagami District; extension of the open season for stocked brook trout lakes in the Northern and North Central Regions; provision for year-round angling for northern pike in Georgian Bay and for rainbow trout in Rondeau Bay of Lake Erie; opening of stream mouths of the Ausable River and Big Creek to year-round angling; and provision for carp spearfishing in the former township of South Walsingham and in the City of Nanticoke.

Experimental management activities have been proposed to test the effectiveness of specific regulations: for Whiteman's Creek and the Credit River, the brook and brown trout catch limit will be one fish in the aggregate, with organic bait and harvest of fish less than 50 cm long prohibited; and for Jean, Barbara, Kabamichigama, and Weatherall lakes in North Central Region a walleye slot size of 40 cm to 47 cm will be tested.

**Anticipated Impact:** Public input has been actively solicited throughout the District Fisheries Management planning exercise. Most of the restrictive regulations have been proposed for the protection of specific populations of fish species. Whenever possible, regulatory measures were selected to minimize reduction of angling opportunities. As a result, there is less reliance on shortened fishing seasons to achieve management objectives, and an increase in the number of size limits (including slot size limits), fish sanctuaries and innovative regulatory measures such as prohibited night fishing, catch and release angling and barbless hooks. District Fisheries Management Plans are available from the District Manager of any Ontario Ministry of Natural Resources office.

As smelt harvest in Northwestern Ontario is a new activity, the harvest prohibition is not expected to have a major impact on local residents. The prohibition reflects efforts by the Ministry of Natural Resources to check the spread of rainbow smelt from Ontario into the Winnipeg River system and Manitoba. Significant spring smelt fisheries focussed on Lake Superior tributaries in North Central Region will not be affected.

The new fishing opportunities in Southern Ontario will result in a more even distribution of fishing pressure and may enhance tourism in the affected areas.

Experimental management regulations are locally restrictive but are expected to answer questions about the effectiveness of specific fishing regulations, enabling us to "regulate smarter."

**Statutory Authority:** Fisheries Act, R.S.C. 1985, c. F-14

**Expected date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## PACIFIC COMMERCIAL SALMON FISHERY REGULATIONS

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### 465-DFO INCREASED SIZE LIMIT OF CHINOOK SALMON TAKEN BY TROLLING, GULF OF GEORGIA AREA

This proposal will increase the present size limit of commercial chinook salmon taken by trolling in areas 13 to 18 and 29. The minimum limit will increase from 54 cm to 62 cm for those with heads left on, and from 44 cm to 51 cm for those with heads removed.

**Anticipated Impact:** The regulation should increase the harvest of older chinook and at the same time increase fishing revenue because of the larger fish being taken. Although in some cases it may result in increased fishing time required, the recommendation is proposed and supported by the Gulf Trollers' Association. This regulation is not expected to affect adversely the chinook stocks, which require conservation measures for rebuilding.

**Statutory Authority:** Fisheries Act, R.S.C. 1985, c. F-14

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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### 466-DFO CHINOOK SALMON TAGGING

Some amendments may be required to the chinook salmon tagging regulations implemented in April 1988. Tagging was a major initiative and amendments may be required to accommodate some situations that may have been overlooked. One such amendment may be related to possession of untagged chinook salmon.

**Anticipated Impact:** These amendments would be relatively insignificant in impact, and would involve clarification of the tagging regulations already in place.

**Statutory Authority:** Fisheries Act, R.S.C. 1985, c. F-14

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*



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## PACIFIC FISHERY MANAGEMENT AREA REGULATIONS

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### 467-DFO REDEFINITION OF FISHERY MANAGEMENT AREAS

The following amendments to re-align boundaries and facilitate administrative responsibilities may be proposed: a) Rewrite of some 600 areas and sub-areas to institute the system of using degrees of latitude and longitude for all intersections of boundaries instead of named points of land along a shoreline. This is in keeping with the Department's initiative to standardize all delimiting of boundaries in regulations. b) Restructure sub-areas 29-4, 29-5, 29-6 and 18-1 by amending the east boundary of sub-area 29-4 to read from "Sand Heads Navigation Light to the apex of the international boundary in the Strait of Georgia, thence to Salamanca Point on Galiano Island." This will affect the boundaries of sub-areas 29-6 and 18-1; sub-area 29-5 will be renumbered with an area 17 number. These amendments will divide the Gulf of Georgia, releasing some of the west side administration and enforcement to District 3 on Vancouver Island from the present District 2 on the mainland. c) Some new management sub-areas may also be created and extensions and modifications made to other boundaries to accommodate fishing patterns at or near existing boundaries.

*Anticipated Impact:* These amendments will reduce confusion or conflict through overlapping jurisdiction, and will improve the enforcement and administration of the fisheries. The creation of new sub-areas and boundary modifications should lead to increased fishing, resulting in more efficient use of the resource in some of the new sub-areas. At present because of conservation concerns in other parts of the current, larger sub-areas, a whole sub-area has to be closed. These amendments will provide for increased flexibility and more fishing opportunities for anglers while improving management and retaining needed protection of the resource.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

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## PACIFIC SHELLFISH REGULATIONS

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### 468-DFO ABALONE PROVISIONS

A review and amendment of the regulations and procedures will be made to the abalone regulations. The methods of weighing, logging and reporting to a fishery officer are under review to ensure conformity with the intent of the regulations. This will include a review of licensing pursuant to the Pacific Fishery Regulations, 1984.

*Anticipated Impact:* There will be no real change affecting the abalone fishermen except that procedures will be mandatory, rather than voluntary, to ensure that accurate statistics are made available.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mel Hart, Regulations Officer, Department of Fisheries and Oceans, 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.  
Tel. (604) 666-2185

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### 469-DFO SIZE LIMITS FOR PINK AND SPINY SCALLOPS AND SEA URCHINS

An amendment is proposed to reduce the 60 mm size limit for pink and spiny scallops to 55 mm. Consultation with interested groups has resulted in concurrence.

The reduction of the 100 mm size limit for sea urchins to 85 mm is being proposed at the request of the Dive Fishery Sectorial Committee. The Shellfish Working Group and the Stock Assessment Committee have not found any objection.

*Anticipated Impact:* By lessening restrictions imposed by regulation, these amendments will allow more harvesting of these species. This is not seen to be a conservation concern, and will benefit fishermen.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Frances Dickson, Shellfish Co-ordinator, Department of Fisheries and Oceans, 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel. (604) 666-0519

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#### 470-DFO

### CLAM PROVISIONS

The regulations respecting clams are being reviewed. Amendments may be needed to facilitate the investigation and handling of the product by specific labelling and identification requirements.

*Anticipated Impact:* Although this will impose some extra time and expense on fishermen, improved labelling and identification of clams is required to improve the management and enforcement of existing regulations.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mel Hart, Regulations Officer, Department of Fisheries and Oceans, 555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel. (604) 666-2185

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### PRINCE EDWARD ISLAND FISHERY REGULATIONS

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#### 471-DFO

### COMPOSITE ATLANTIC SALMON ANNUAL LIMIT

The proposed regulation will revise salmon angling bag limits in Prince Edward Island to allow anglers to take large salmon (salmon over 63 cm). The number may be varied annually depending upon fish resources available for harvest. The Atlantic salmon conservation strategy implemented in 1984 is expected to result in a surplus production of large salmon starting in 1989. This surplus cannot be allocated under current regulations which prohibit the retention of any large salmon.

*Anticipated Impact:* There will be only a positive impact and no costs. The allocation of surplus large

salmon will result in more anglers fishing for Atlantic salmon, resulting in increased economic benefits to the sportfishing service industries. The regulation will provide more flexible management of the salmon resource and reduce restrictions placed on anglers. The regulation will apply in Prince Edward Island; however, similar regulations are proposed for the other Atlantic provinces.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Bernard Vézina, Staff Officer, Resource Allocation Branch, Department of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario, K1A 0E6. Tel. (613) 990-0091.

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### QUEBEC FISHERY REGULATIONS

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#### 472-DFO

### REVISION OF QUEBEC FISHING REGULATIONS

These regulations set out the general provisions which apply to all persons who engage in fishing in Quebec, be it sport or commercial. They include specific provisions for sport and commercial fishing for anadromous Atlantic salmon, provisions for sport and commercial fishing for species other than anadromous Atlantic salmon, as well as provisions for food fishing practised by an Indian, Inuk, Indian band or Inuit group. The rewrite of these regulations should come into effect on April 1, 1989.

*Anticipated Impact:* The proposed rewrite does not disrupt sport fishing or commercial fishing; it concentrates mainly on the structure and organization of the regulations. It will result in simplification of the regulations, and the revocation of unenforceable, redundant and outdated provisions. This will also facilitate enforcement and the administration of justice.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Denis Choquette, Regulations Unit, Regulations, Tariffing and Licences Branch, Department of Recreation, Fish and Game, 150 Boulevard Saint-Cyrille E., 4th Floor, Quebec City, Quebec, G1R 4Y1. Tel. (418) 646-3306



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## SASKATCHEWAN FISHERY REGULATIONS

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### 473-DFO REVISION OF SASKATCHEWAN FISHERY REGULATIONS

The Saskatchewan Fishery Regulations will be amended extensively to eliminate outdated provisions, clarify intent, remove inconsistencies, improve management of the fisheries and enforcement of the regulations. New initiatives include provisions to limit the harvest of small walleye and to fix the opening date of the angling season in the Northern Management Zone.

*Anticipated Impact:* The anticipated impact is that the regulations will be made simpler and more understandable to the user public and that enforcement of the regulations will be easier and more consistent. The limitation of small walleye harvests will assist in the enforcement of existing gill-net mesh size prohibitions. Fixing of the northern zone angling season opening will be of benefit to anglers planning early-season fishing trips.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Paul Naftel, Director of Fisheries, Saskatchewan Parks, Recreation, and Culture, 3211 Albert Street, Regina, Saskatchewan, S4S 5W6. Tel. (306) 787-2884

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## YUKON TERRITORY FISHERY REGULATIONS

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### 474-DFO TICKETING FOR FISHING OFFENCES

A voluntary penalty provision is being considered for inclusion in these regulations. It would remove the need for mandatory court appearances by providing a voluntary early payment option to offenders who wish to plead guilty to certain minor summary offences.

*Anticipated Impact:* This amendment is expected to relieve court congestion and lower the cost of operating the courts, lessen enforcement officers' time in document preparation, court time, travel time and travel costs, provide a similar convenience

to fishermen who wish to plead guilty, and make the regulations consistent with other fisheries regulations.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G. Zealand, District Supervisor, Department of Fisheries and Oceans, 122 Industrial Road, Whitehorse, Yukon, Y1A 2T9. Tel. (403) 667-2235

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### 475-DFO IMPLEMENTATION OF INUVIALUIT FINAL AGREEMENT RE LICENCES

It is proposed to amend the Yukon Territory Fishery Regulations to provide relevant commercial and sport fishing licences at no cost to beneficiaries of the Inuvialuit Final Agreement and to allow the sale of domestic (subsistence) fish caught by beneficiaries of the Inuvialuit Final Agreement to other beneficiaries.

The amendments meet the requirement that the Yukon Territory Fishery Regulations conform to the provisions of the Inuvialuit Final Agreement, which settles land claims in the Western Arctic and which allows beneficiaries of the agreement to engage in fishing without payment of licence fees and allows the sale, trade or barter of fish caught in domestic or subsistence fisheries to other Inuvialuit. Monitoring of harvests for conservation purposes will be instituted under other provisions of the Inuvialuit Final Agreement. The proposed amendment was developed through consultations with the Inuvialuit Game Council, representing Inuvialuit hunters, trappers and fishermen.

*Anticipated Impact:* The amendments will contribute to the settlement of land claims in the Western Arctic. Licence revenues will decline very little. Deregulation of the sale of subsistence-caught fish among Inuvialuit may provide a mild stimulus to the local economy.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Grant Pryznyk, Co-ordinator, Legislation and Compliance, Central and Arctic Region, Department of Fisheries and Oceans, Box 2310, Yellowknife, Northwest Territories, X1A 2P7. Tel. (403) 920-6640

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476-DFO**SPORT-FISHING LICENCE FEES**

The Renewable Resource Branch of the Yukon-Territorial Government is proposing an increase in sport-fishing licence fees. Further consideration and consultation are currently in progress on this proposal with anticipated implementation for the 1989 season.

*Anticipated Impact:* Although this proposal will have an impact on the sport fishermen financially, there is no anticipated decrease in the number of licence applicants. Annual revenue received by the Yukon Territory will be substantially increased, from approximately \$100 000 to \$200 000.

*Statutory Authority:* Fisheries Act, R.S.C. 1985, c. F-14

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Gordon Zealand, District Supervisor, Department of Fisheries and Oceans, 122 Industrial Road, Whitehorse, Yukon, Y1A 2T9.  
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# HEALTH AND WELFARE CANADA

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## Roles and Responsibilities

The Department of National Health and Welfare was established in 1944 by the Department of National Health and Welfare Act for the purpose of promoting and preserving the health, social security and social welfare of the people of Canada over which the Parliament of Canada has jurisdiction. Since then, advances in the fields of health, social security and social welfare have led to the introduction of a number of new and extensive programs.

Six branches, each headed by an assistant deputy minister, administer the departmental programs. Health programs are operated by the Health Protection Branch, the Medical Services Branch and the Health Services and Promotion Branch, and welfare programs by the Income Security Programs Branch and the Social Service Programs Branch. The Fitness and Amateur Sport Branch operates programs to increase the physical activity and fitness of Canadians and to support the development of high-performance amateur sport.

## Legislative Mandate

The acts administered in whole or in part by the Minister of National Health and Welfare are:

- Department of National Health and Welfare Act
- Food and Drugs Act
- Narcotic Control Act
- Environmental Contaminants Act
- Radiation Emitting Devices Act
- Hazardous Products Act
- Quarantine Act
- Public Works Health Act
- Canada Health Act
- Federal/Provincial Fiscal Arrangements and Established Programs Financing Act, 1977
- Health Resources Fund Act
- Medical Research Council Act
- Canada Medical Act
- Old Age Security Act
- Canada Pension Plan
- Family Allowances Act
- Canada Assistance Plan
- Unemployment Assistance Act
- Vocational Rehabilitation of Disabled Persons Act
- Fitness and Amateur Sport Act

## Administrative Arrangements

- Atomic Energy Control Act
- Immigration Act
- Excise Tax Act
- Young Offenders Act

- Indian Act
- Canada Shipping Act

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## HEALTH PROTECTION BRANCH

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### 477-HWC DRUG RESIDUES IN FOOD

This amendment allows enforcement action to be taken to prevent the sale of food that contains drug residues in excess of limits established by the regulations.

*Anticipated Impact:* Misuses of drugs in food-producing animals has an impact on all segments of the food manufacturing industry because of the cost of condemned food and the loss of public confidence. This initiative will lessen that impact by establishing standards for drug residues in food which are in keeping with technological advances in the methods of detection. This proposal has been the subject of broad-based consultation with the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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### 478-HWC IMPORTATION OF HUMAN PATHOGENS

Persons importing organisms into Canada that are capable of causing disease in humans will require an import permit.

*Anticipated Impact:* The inconvenience caused by short delays in the importation of these organisms is considered to be outweighed by the necessity to protect Canadians from the hazards associated with the unrestricted traffic of human pathogenic organisms. Permits would not be issued to persons using inadequate laboratory facilities.

*Statutory Authority:* Health and Welfare Act, R.S.C. 1985, c. N-10, s. 12



*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 479-HWC

### EMERGENCY DRUG RELEASE PROGRAM

The Health Protection Branch is reviewing the emergency drug release program. A proposal to make available promising new drugs or investigational drugs for ill patients prior to or in lieu of general marketing is under review.

*Anticipated Impact:* The intent is to improve the availability of a new drug as early as possible in the development process, to patients with serious or life threatening disease. This mechanism should not hinder the ability to obtain data on the drug's safety and effectiveness.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 480-HWC

### NON-MEDICINAL INGREDIENT LABELLING

The Health Protection Branch is reviewing the issue of ingredient disclosure for drugs and has proposed that manufacturers of drug products disclose non-medicinal ingredients as well as medicinal ingredients on their labels.

*Anticipated Impact:* This amendment will help individuals who have serious reactions to small amounts of non-medicinal ingredients. Lack of voluntary compliance necessitates regulatory control. The cost of relabelling drug products is outweighed by the benefit to consumers. This proposal has been the subject of consultation with all segments of the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 481-HWC

### NOTIFIABLE CHANGES FOR NEW DRUGS

The Health Protection Branch is reviewing the necessity for supplemental new drug submissions; this review may result in additional categories for inclusion in the guide for use in the interpretation of section C.08.003 of the Food and Drug Regulations.

*Anticipated Impact:* Notifiable changes were the subject of consultation with the affected industry, professional associations and consumer groups through an information letter. Additional categories will be discussed with affected parties.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 482-HWC

### PRECLINICAL NEW DRUG SUBMISSIONS

The sale of a new drug for investigational use is regulated under section C.08.005 of the Food and Drug Regulations. A review of the provisions of this section will be conducted and amendments proposed as necessary.

*Anticipated Impact:* The pharmaceutical industry and research community have been consulted with respect to the review. Changes, if proposed, would be expected to facilitate the conduct of clinical studies in Canada.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

483-HWC

**CHLORAMPHENICOL FOR VETERINARY USE**

This proposal would restrict the sale of chloramphenicol-containing products to concentrations below 10 per cent and to containers of less than 10 ml.

*Anticipated Impact:* Livestock producers and veterinary associations are concerned about the continuing use of chloramphenicol in food-producing animals. Some veterinarians, particularly those in large animal practice, may object to these restrictions. This proposal is the subject of consultation with the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

484-HWC

**COLLECTION AND STORAGE OF HUMAN SPERM AND ORGANS FOR TRANSPLANT**

The Health Protection Branch is reviewing necessity to establish, by regulation, the basic requirements to be met for the collection and storage of human sperm and body organs intended for use in other humans.

*Anticipated Impact:* Consultation with provincial and territorial governments as well as health professionals will be undertaken should regulation be considered the most appropriate method to deal with this issue.

*Statutory Authority:* Health and Welfare Act, R.S.C. 1985, c. N-10, s. 12

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

485-HWC

**ACETAMINOPHEN PRODUCTS**

The Health Protection Branch is reviewing package size limitations, standard dosage strengths, and advertising conditions for acetaminophen products.

*Anticipated Impact:* Consultation with the affected industry, professional associations and consumer groups will be undertaken.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

486-HWC

**INGREDIENT LISTING FOR COSMETICS**

In response to the recent initiative respecting non-medicinal ingredient disclosure in drugs, consumer groups and health professionals have recommended full disclosure of ingredients for cosmetics. The Health Protection Branch is reviewing this issue.

*Anticipated Impact:* A decision to require the listing of ingredients would necessitate regulatory change and would be the subject of consultation with all the segments of the affected industry, professional associations and consumer groups.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

487-HWC

**IBUPROFEN**

This amendment permits the nonprescription sale of 200 mg ibuprofen as an analgesic.

*Anticipated Impact:* New market opportunities will be created, together with improved availability of a useful therapeutic agent and a reduced burden on the medical care system. This proposal has been the subject of consultation with all segments of the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372



## 488-HWC

**EXPIRATION DATE FOR DRUG PRODUCTS**

An expiration date appearing on the label of all drug products is considered to be necessary.

*Anticipated Impact:* The costs associated with a regulatory requirement for expiration dates would be minimal; manufacturers and importers are currently required to determine expiration dates. Some manufacturers would be required to relabel. This proposal has been the subject of consultation with the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 489-HWC

**PEDIATRIC DOSAGE – ACETAMINOPHEN**

This amendment permits the sale of a 160 mg strength of acetaminophen.

*Anticipated Impact:* The regulation provides a positive approach to effective dosing for children and addresses the concerns of both health professionals and parents over the administration of large numbers of tablets. This proposal has been the subject of consultation with all segments of the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 490-HWC

**SCHEDULE D DRUGS – GOOD MANUFACTURING PRACTICES**

These amendments formalize requirements concerning premises, processes and conditions of manufacture for drugs of biological origin.

*Anticipated Impact:* No significant impact is expected. This proposal has been the subject of consultation with the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 491-HWC

**METHYLXANTHINES – ASTHMA**

These amendments would place products containing methylxanthines on a prescription drug list and would add the disease state, asthma, to schedule A of the Food and Drugs Act.

*Anticipated Impact:* These restrictions could result in the removal of some products from the market and may affect small manufacturers disproportionately. Retail costs to consumers may also be adversely affected. This proposal has been the subject of consultation with the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 492-HWC

**LIMITS OF VARIABILITY OF DRUG PRODUCTS**

These amendments will allow flexibility in the manufacturing requirements related to disintegration, package content and relevant testing requirements.

*Anticipated Impact:* These changes reflect advances in pharmaceutical manufacturing technology and are expected to have a modest impact on manufacturing costs. This proposal has been the subject of a consultation with all segments of the affected industry, professional associations and consumer groups through the information letter.

**Statutory Authority:** Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

**Expected Date of Publication:** First Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 493-HWC

### DRUG POTENCY LIMITS

These amendments propose changes to the limits for the potency of a drug to permit variations from 90 to 110 per cent of the active ingredient.

**Anticipated Impact:** These proposals reflect advances in pharmaceutical manufacturing technology and are expected to have a modest impact on manufacturing costs. This proposal has been subject to consultation with all the segments of the affected industry, professional associations and consumer groups through an information letter.

**Statutory Authority:** Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 494-HWC

### ARSENIC AND MERCURY

This amendment prohibits the use of arsenic in drugs and limits the use of mercury in drugs and cosmetics.

**Anticipated Impact:** No substantial impact is expected. These ingredients have limited application in modern therapeutics. The proposals would permit the use of mercurial preservatives in drug products where no other suitable agent can be identified.

**Statutory Authority:** Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

**Expected Date of Publication:** First Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 495-HWC

### FORMAT OF NEW DRUG SUBMISSIONS

The regulations prescribe a certain format for new drug submissions; these requirements are administrative and not substantive in nature. This amendment clarifies the intent of the regulations with respect to the inclusion of raw data in the submission, and extends the format requirement to veterinary drugs.

**Anticipated Impact:** No significant impact is expected from this clarification. The veterinary drug manufacturers have been consulted on this amendment.

**Statutory Authority:** Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

**Expected Date of Publication:** Second Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 496-HWC

### COLD PREPARATIONS

The Health Protection Branch will review the necessity for regulations emerging from the recommendations of the Expert Advisory Committee on Cough and Cold Preparations.

**Anticipated Impact:** The committee's recommendations will be the subject of consultation with the affected industry, professional associations and consumer groups through an information letter.

**Statutory Authority:** Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

**Expected Date of Publication:** As required

**Contact:** Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

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#### 497-HWC

### NARCOTIC AND CONTROLLED DRUGS – REASONABLE PRECAUTIONS

These amendments to the Narcotic Control Regulations and to the Food and Drug Regulations clarify the requirement that practitioners communicate directly with pharmacists in the prescribing of narcotic and controlled drugs.



*Anticipated Impact:* The burden on the practitioner is expected to be minimal as narcotic and controlled drugs represent a small percentage of their prescription load. The misuse and diversion of these drugs through fraudulent prescriptions will be prevented through direct practitioner-pharmacist communication. This proposal was prepublished in the *Canada Gazette*, Part I, on November 7, 1987.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 45; Narcotic Control Act, R.S.C. 1985, c. N-1, s. 12

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

#### 498-HWC

### ETHYLENEDIAMINE DIHYDROIODIDE (EDDI) IN CATTLE

In view of the identified health concerns, prohibition of the sale of EDDI for foot rot in cattle is proposed.

*Anticipated Impact:* Concerns related to excessive iodine consumption in Canadians exceed the benefits accrued from the questionable efficacy of this drug for foot rot. This proposal would have no effect on the use of EDDI in cattle feeds labelled to supply nutritional requirements for iodine, as permitted under the Feeds Act and Regulations. The proposal is the subject of consultation with all segments of the affected industry, professional associations and consumer groups through an information letter.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

#### 499-HWC

### CANADIAN AGENT FOR IMPORTED DRUGS

This amendment clarifies the requirement for a Canadian name and address to appear on the label of all imported drugs.

*Anticipated Impact:* As this amendment clarifies current interpretation, no major impact is anticipated. Importers are required to designate a Canadian

representative whose name and Canadian address will appear on the label, and who will take responsibility for the product sold in Canada.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

#### 500-HWC

### DRUG COLOURING AGENTS – ADDITIONS, DELETIONS AND CORRECTIONS

This action adds, deletes or corrects entries to the lists of colouring agents permitted in drugs for internal or external use.

*Anticipated Impact:* The impact of any action will be evaluated at the time of publication.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

#### 501-HWC

### CHANGES TO DRUG REGULATIONS – HOUSEKEEPING

These amendments pertain to typographical, spelling, translation, numbering and other inconsistencies in the regulations that require correction.

*Anticipated Impact:* No impact is anticipated as these proposals simply correct previously considered amendments.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25, 38 and 45; Narcotic Control Act, R.S.C. 1985, c. N-1, s. 12

*Expected Date of Publication:* As required

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 502-HWC

**RESTRICTED AND NARCOTIC DRUGS**

Amendments, when required, will add compounds and their analogs to schedule H of the Food and Drugs Act and the schedule to the Narcotic Control Act to prevent their illicit use.

*Anticipated Impact:* No impact is anticipated on the legal, scientific or medical use of these drugs.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 45; Narcotic Control Act, R.S.C. 1985, c. N-1, s. 12

*Expected Date of Publication:* As required. Exemption from prepublication is requested.

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 503-HWC

**FOOD AND DRUG REGULATIONS – SCHEDULE F AND G ADDITIONS /CORRECTIONS**

This amendment adds drugs to schedule F (prescription drugs) and to schedule G of the Food and Drug Regulations.

*Anticipated Impact:* No significant impact is expected. Most additions concern products whose manufacturers have requested or already anticipate their inclusion in these schedules. Other scheduling decisions will be made subsequent to consultation with the affected parties.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Biannual

*Contact:* Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-0372

## 504-HWC

**ANAESTHESIA MACHINES**

The proposed schedule to the Medical Devices Regulations is intended to set labelling and performance requirements for anaesthesia machines by referencing directly the requirements of the Canadian Standards Association, "Continuous-Flow Inhalation Anaesthetic Apparatus (Anaesthetic Machines) For Medical Use," CSA CAN3-768.3M84, November 14, 1984. A new edition of this standard is currently being drafted and will be referenced when completed.

*Anticipated Impact:* No significant impact is anticipated because this proposal will be a direct reference to an existing standard.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

## 505-HWC

**ANAESTHESIA VAPORIZERS**

The proposed schedule to the Medical Devices Regulations establishes basic ergonomic and performance requirements for anaesthesia vaporizers which are not designed for use in the breathing system. Safety requirements for anaesthesia vaporizers are contained in the Canadian Standards Association standard, "Continuous-Flow Inhalation Anaesthetic Apparatus (Anaesthetic Machines) For Medical Use", CSA CAN3-Z168.3M84, November 14, 1984, and will be referenced directly in the regulations. A new edition of this standard is currently being drafted and will be referenced when completed.

*Anticipated Impact:* The proposal should reduce the health hazard associated with operator error due to misleading ergonomic design and will establish performance standards for the safe operation of anaesthesia vaporizers. Minimal impact is expected because the industry is involved in the development of the proposal which will refer directly to an existing standard.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

## 506-HWC

**STANDARD FOR COLOUR CODING OF MEDICAL GAS-HANDLING DEVICES**

The proposed schedule to the Medical Devices Regulations establishes regulations to ensure the safe storage, transmission and use of medical gases



by uniform colour coding medical gas-handling devices.

*Anticipated Impact:* The proposal is intended to reduce health hazards associated with the incorrect administration of medical gases, caused by the absence of an accepted uniform colour-coding system for medical gas-handling equipment. No significant impact on the industry is expected because it has assisted in the development of the proposal.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

*Anticipated Impact:* The proposal is intended to reduce the health hazards associated with the use of medical devices by requiring them to meet minimum standards of manufacturing control, and a large segment of the industry has indicated support for this initiative. These standards will be comparable to those of Canada's major trading partners although extra costs will be incurred by those firms not already following such practices. The reduction in failures of medical devices will result in savings for the health care system.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 507-HWC

#### COMPUTED TOMOGRAPHY X-RAY EQUIPMENT

The proposed schedule to the Radiation Emitting Devices Regulations establishes standards of design and construction as well as standards of functioning for the safe use and operation of computed tomography x-ray equipment.

*Anticipated Impact:* The proposal is intended to reduce the risk of unnecessary radiation exposure and inferior diagnostic information caused by the inadequate design or performance of computed tomography x-ray equipment. No significant impact is expected in view of the few manufacturers affected.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 509-HWC

#### STANDARD FOR HOSPITAL CRIBS

The proposed schedule to the Medical Devices Regulations establishes regulations for the safe use and construction of hospital cribs by incorporating safety features from applicable regulations from Consumer and Corporate Affairs and special safety requirements for features found only on hospital cribs.

*Anticipated Impact:* The proposal is intended to reduce the health hazards associated with hospital cribs by requiring special design safety features. No significant impact is expected as not only is the number of manufacturers in Canada limited, but industry has also assisted in developing the proposal.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 508-HWC

#### GOOD MANUFACTURING PRACTICES FOR MEDICAL DEVICES

The proposed amendment to the Medical Devices Regulations establishes regulations to ensure that medical devices sold in Canada are manufactured under Good Manufacturing Practices (GMP).

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#### 510-HWC

#### INVESTIGATIONAL USE AND EMERGENCY RELEASE OF MEDICAL DEVICES

The proposed amendment to the Medical Devices Regulations would permit the sale of a device presently prohibited under existing regulations,

under prescribed conditions, only for the purpose of clinical investigation or emergency treatment of patients in life-threatening situations.

*Anticipated Impact:* No significant impact is expected.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 511-HWC

### STANDARD FOR THE LABELLING OF IN-VITRO DIAGNOSTIC TEST DEVICES

The proposed schedule to the Medical Devices Regulations establishes additional labelling requirements for in-vitro diagnostic devices to reduce the potential for incorrect use and misinterpretation of results.

*Anticipated Impact:* No substantial impact is anticipated from the implementation of this proposal.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 512-HWC

### STANDARDS FOR LASER EQUIPMENT

There are many applications of lasers in the medical, industrial and research fields. The proposed schedule to the Radiation Emitting Devices Regulations establishes standards for all laser equipment which would include the identification of health hazards, specifications for test procedure, emission limits and warning symbols.

*Anticipated Impact:* The proposal is intended to reduce health hazards such as skin burns, retinal burns, visual receptor damage and corneal burns associated with the use of all types of laser equipment. No significant impact is expected in view of the fact

that industry has assisted with the development of this proposal.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 513-HWC

### STANDARDS FOR MEDICAL ELECTRON ACCELERATORS

The proposed schedule to the Radiation Emitting Devices Regulations establishes standards of design, construction and function, as well as labelling requirements for the installation, maintenance and safe operation and use of medical electron accelerators.

*Anticipated Impact:* No substantial impact is anticipated because the proposal, developed over a 40-month period, is supported by manufacturers and professional associations and will parallel similar voluntary standards.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 514-HWC

### TOBACCO PRODUCTS CONTROL

This proposal is to make regulations relative to the reporting, labelling and monitoring requirements for tobacco products. Increased health messages and a system of message rotation will be introduced for the labelling of tobacco product packages.

*Anticipated Impact:* Health message rotation on cigarette packaging is expected to have a beneficial impact on consumer awareness of the varied and serious health hazards of smoking. The costs to the industry are not known in detail, but experience in the American and other markets suggests this type



of regulation is feasible and that the costs would not be significant.

The beneficial impact of toxic constituent monitoring includes greater public awareness of the toxic nature of tobacco products, as well as increasing the relevant data available for the purpose of estimating the impact of tobacco consumption on the public health. Testing costs relative to constituent monitoring are expected to be moderate; some costs currently borne by the federal government will be transferred to the tobacco-products manufacturing industry.

*Statutory Authority:* Tobacco Products Control Act, S.C. 1988, c. 20

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

#### 515-HWC

#### EXTRA-ORAL DENTAL X-RAY EQUIPMENT

The proposed schedule to the Radiation Emitting Devices Regulations amends part II of extra-oral dental x-ray equipment so as to bring it in line with current technology.

*Anticipated Impact:* No significant impact is expected. The proposal updates existing regulations so that current technology is not inadvertently restricted in the market place.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

#### 516-HWC

#### EXCLUSIONS FROM PART V OF THE MEDICAL DEVICES REGULATIONS

Since new technology has allowed the possibility of setting guidelines for satisfactory performance and labelling in some instances, the proposed amendment to the Medical Devices Regulations is intended to exempt specific new-device classes from the

requirements of part V of the Medical Devices Regulations.

*Anticipated Impact:* No significant impact is expected.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

#### 517-HWC

#### X-RAY DIFFRACTION EQUIPMENT

The proposed amendment to schedule II, part XIV of the Radiation Emitting Devices Regulations will broaden the regulatory requirements to include other radiation emitting devices which share with the x-ray diffraction equipment, essential design features affecting x-ray radiation hazards. Equipment such as x-ray spectrometers and analytical equipment will be included in the proposal, eliminating the need to prepare separate regulations.

*Anticipated Impact:* The additional x-ray warning labels required for such equipment will result in a minor cost to manufacturers, but no significant impact is anticipated.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

#### 518-HWC

#### CARDIAC PACEMAKERS

The proposed revision to schedule III of the Medical Devices Regulations is intended to bring the existing regulations up to date by improving performance standards as well as labelling and packaging requirements. The revised schedule will reference directly the International Organization for Standardization standard, ISO 5841/1-1985, "Implants for Surgery – Cardiac Pacemakers – Part I: Implantable Pacemakers."

*Anticipated Impact:* The proposal should improve labelling and packaging of cardiac pacemakers, and will require standard performance characteristics. No significant impact is expected because this proposal references directly an international standard which has been developed through the assistance of the pacemaker industry.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 519-HWC

### CONTRACEPTIVE DEVICES

The proposed revision to schedule I of the Medical Devices Regulations is intended to bring the existing regulations up to date by establishing sampling plans and quality-control criteria for condom testing as well as improving labelling requirements.

*Anticipated Impact:* The proposal is intended to improve the quality of condoms by defining sampling and acceptability criteria in condom testing. No significant impact is expected because industry has assisted in the development of this proposal.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 520-HWC

### DIAGNOSTIC X-RAY EQUIPMENT

The proposed schedule to the Radiation Emitting Devices Regulations amends part XII of diagnostic x-ray equipment, promulgated in 1981, so as to bring it into line with current technology.

*Anticipated Impact:* No significant impact is expected. The proposal updates existing regulations so that current technology is not inadvertently withheld from the market place.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 521-HWC

### DISPOSABLE INSULIN SYRINGES

The proposed revision to schedule VI of the Medical Devices Regulations alters labelling requirements to require test methodology for very fine needles and to introduce requirements reducing the dead-space volume in syringes.

*Anticipated Impact:* This proposal is intended to reduce some of the current regulatory requirements for syringes by reducing the dead-space volume to a negligible amount. Test methodology for very fine needles will be established to ensure the quality and safety of these instruments. Industry will be minimally affected by this proposal.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*.

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 522-HWC

### STANDARDS FOR HEARING AIDS

The proposed schedule to the Medical Devices Regulations establishes performance standards for hearing aids to ensure communication compatibility with telephones designed to be used with hearing aids.

*Anticipated Impact:* The proposal is intended to ensure communication compatibility with telephones designed in compliance with the Canadian Standards Association telephone system standard, "Magnetic Output Requirements For Handset Telephones Intended For Use By The Hard Of Hearing," CAN3-T515-M85, September 1985. No significant impact is anticipated because industry has been involved in the development of this proposal.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)



*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 523-HWC

### **RADIATION DOSIMETRY FEES**

Under the proposed regulations, thermoluminescent and other dosimeters of an approved type will be provided by the Bureau of Radiation and Medical Devices to workers in Canada where radiation emitting devices are present in the work place. These dosimeters will be checked periodically depending on the degree of radiation emitted by the various devices. A national dose registry will be maintained by the Bureau of Radiation and Medical Devices containing the lifetime-exposure records of all registered workers, thereby providing an early warning system of potentially health-damaging exposure for each individual.

*Anticipated Impact:* Fees established in relation to the service provided will not have a serious impact on the public or on businesses. The proposed average annual charge will range from \$27.00 for small businesses to \$3962.00 for large institutions and corporations. These changes are being established to put radiation-dosimetry services on a full cost-recovery basis in accordance with a decision by Treasury Board, TB 802851, dated August 13, 1986.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 524-HWC

### **MEDICAL DEVICES – REMOVAL OF PART V SUBMISSION REVIEW PERIOD**

The proposed amendment to part V of the Medical Devices Regulations is intended to remove the specified response period respecting the review of part V submissions from the present requirement of 60 days.

*Anticipated Impact:* The proposed amendment will remove an unnecessary time constraint by setting an administrative time-limit to be established in consultation with industry.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 525-HWC

### **TELEVISION RECEIVERS**

The proposed amendment to schedule II, part I of the Radiation Emitting Devices Regulations concerning television receivers will eliminate the mandatory serial number presently required, and will permit the name of the manufacturer to be coded according to the Canadian Standards Association standard, "Data Processing Equipment," \*C22.2 No.154-M1983, May 1983.

*Anticipated Impact:* No significant impact is anticipated.

*Statutory Authority:* Radiation Emitting Devices Act, R.S.C. 1985, c. R-1, ss. 13(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 526-HWC

### **HOUSEKEEPING AMENDMENTS TO MEDICAL DEVICE REGULATIONS**

This proposal is to make minor housekeeping amendments to the Medical Devices Regulations, the Radiation Emitting Devices Regulations, and the Hazardous Products (Hazardous Substances) Regulations.

*Anticipated Impact:* None

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 30(1); Radiation Emitting Devices Act, R.S.C. 1985, c. R-1 ss. 13(1); Hazardous Products Act, R.S.C. 1985, c. H-3, s. 5

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* G.E. MacDonald, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3142

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#### 527-HWC

### LOW-ACID HERMETICALLY SEALED FOODS

The proposal is a modification of the Health Protection Branch position as stated in an information letter, No. 682 (April 26, 1985). The problem is the increasing number of unsatisfactory findings in the examination of low-acid hermetically sealed foods, relating to under-processing or to improper manufacturing or sealing of the container that causes post-process contamination. While representing a small proportion of the total volume of low-acid hermetically sealed foods produced, these products of both domestic and imported origin, nevertheless present a significant potential health hazard. There is also an increasing number of thermally processed low-acid foods packaged in a variety of hermetically-sealed containers other than cans. The same processing controls are required for these foods as for traditional products. The proposal would create a new division of the Food and Drugs Regulations dealing with low-acid hermetically sealed foods with definitive requirements for record keeping and process control.

*Anticipated Impact:* The impressive safety record of the Canadian food-processing industry suggests that the proposal will have minimal impact on the domestic sector. Consumers will have additional protection from imported products, especially those from unknown or questionable suppliers.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Fourth Quarter, 1988, Part II, *Canada Gazette*

*Contact:* B.L. Smith, Chief, Food Regulatory Affairs Division, Food Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748

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#### 528-HWC

### FOOD USE OF BIOLOGICAL PESTICIDES – CHANGES TO DIVISION 15

Currently, division 15 (Adulteration of Food) of the Food and Drugs Regulation, addresses only the use of chemical pesticides, with the exception of the biological pesticide, *bacillus thuringiensis*, on food

crops. There is no justification to exclude other biological pesticides from the rigorous testing program required for chemical pesticides to assess their safety when applied to food. At the present time, many submissions for new biological pesticides await evaluation.

Agriculture Canada may not register a pesticide for use on food crops unless Health and Welfare Canada has established its acceptability. Listing tolerances for biological pesticides in division 15, as is being done for tolerances for chemical pesticides, will greatly facilitate the evaluation of biological pesticide submissions.

*Anticipated Impact:* The proposed additions to division 15 will permit regulation of all biological pesticides by assessing their safety when applied to food crops before their use.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1990, Part II, *Canada Gazette*

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#### 529-HWC

### GENETICALLY ENGINEERED MICROBIALS IN FOOD

Under the Food and Drugs Regulations, micro-organisms used in foods are not considered food additives, and therefore have to meet only the provisions of section 4 of the Food and Drugs Act, i.e., they have to be "food grade." For genetically modified micro-organisms to be used directly in foods as starter cultures, leavening agents or alcoholic fermentation agents, additional provisions are required to safeguard the Canadian public against possible harmful effects since the safety of these micro-organisms may not have been established.

In the absence of a specific regulation, it is not possible to require manufacturers to seek premarket clearance for any such micro-organism. Section 4 of the act can be applied only after the fact, i.e., once the product (genetically altered micro-organisms) actually is being used and is considered to constitute either a potential or real health hazard.

*Anticipated Impact:* The proposed new division will make it possible to regulate the use of genetically engineered micro-organisms such as starter cultures, leavening agents or alcoholic fermentation agents, that are intended to be used directly in a food, by stipulating that such use must be made by



a formal submission to the Minister the same as is required for chemical food additives.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1990, Part II, *Canada Gazette*

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#### 530-HWC

#### FOOD IRRADIATION

In order to strengthen the current regulations for food irradiation, some of which have been in effect since the mid-1960s, amendments are in progress to establish a legal reclassification of irradiation by removing it from the food additive provisions and by creating a new division of the regulations to recognize irradiation as a food process. This legal consideration of food irradiation as a process is designed to enhance control over it by developing more specific regulations.

Revision of the regulations is underway because of renewed international interest in food irradiation and the possibility of its application to imported foods. This, together with interest in applying the process to domestically-produced foods in order to reduce microbiological hazards, has led to the need for specific, relevant and clear-cut regulations pertaining to ionizing radiation.

*Anticipated Impact:* Costs should be minimal since no one, at present, is using the process domestically, although it has been allowed in Canada for many years. Regulatory control of irradiated food will be enhanced, and future approvals of this processing technique for foods would be contingent upon meeting stringent criteria to assure their safety. These amendments also fulfill Canada's international obligations and provide a mechanism for controlling imported irradiated food

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 531-HWC

#### HERBS AND BOTANICAL PREPARATIONS

This regulatory initiative reflects a consultative process that started in August, 1984 when the Health Protection Branch established an expert advisory committee to develop regulatory adjustments better to control a small percentage of potentially hazardous herbs and botanical preparations sold as foods. The regulations will address those safety, and quality concerns identified during the course of the consultative process by amending section B.01.046 of the Food and Drugs Regulations (prohibited adulterants in foods) and requiring cautionary labelling for some herbs.

*Anticipated Impact:* The hazard to Canadians from a small number of potentially toxic or contaminated herbal substances sold as foods will be reduced. The impact upon industry (primarily small business) should be minimal as a result of the extensive and protracted consultation involving three information letters (Nos. 666, 704, 726) and an expert advisory committee.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 532-HWC

#### PRE-MARKET NOTIFICATION OF INFANT FORMULA

Infant formula is often the sole source of nourishment for infants during the first five months of life, a critical period for growth and development when infants are highly vulnerable to any nutritional deficiencies and microbiological or chemical contamination. The proposal is to require manufacturers or importers to notify the Health Protection Branch of their intent to market new infant formula, or to make major alterations in the formulation, processing or packaging of a formula already on the market.

*Anticipated Impact:* The amendments address concerns related to public health and safety and pre-market notification as opposed to post-market surveillance should provide greater protection for infants. Costs will be incurred by the industry in the assembling and submission of information. The affected industry and professional associations will be consulted.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* B.L. Smith, Chief, Food Regulatory Affairs Division, Food Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748

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#### 533-HWC

### EMERGENCY REGULATIONS

In the event of a confirmed public health hazard in the food supply, emergency regulations may be required to protect the public.

*Anticipated Impact:* The impact cannot be foreseen, but the public health benefits require the imposition of any costs associated with such emergency regulations.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* B.L. Smith, Chief, Food Regulatory Affairs Division, Food Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748

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#### 534-HWC

### COMPOSITION OF MEAT PRODUCTS

Currently, there is no regulatory limit for the quantity of pumping pickle that may be added to a cured-meat product. Technological innovation has permitted the addition of what are considered to be excessive quantities of water to certain meat products, resulting in a simultaneous decrease in the nutritive value. Before the introduction of the new technology, regulations were not considered necessary as the level of water introduced into a processed, cured meat was always considered to be self-limiting. In recent years, however, markets have become well established, with substantial consumer acceptance of the diluted meat and poultry products, albeit without knowledge of their added water content. Regulatory control over the composition of these meat products and label disclosure of compositional aspects is required.

To resolve both health and fraud issues, the Department, in consultation with Agriculture Canada and Consumer and Corporate Affairs is considering the creation of standards that prescribe minimum meat protein content (MMPC) requirements for the products in question: ham, picnics, turkey breast, turkey roll, roast beef, back bacon and possibly others. Three or four levels of MMPC requirements would be set to establish grades or categories

representing decreasing per cent lean-meat content. The use of phosphates would be permitted only in meat products for which an MMPC had been defined.

*Anticipated Impact:* Consumers could readily distinguish between a high-quality (i.e., more nutritious) product and a lower quality product containing more moisture. Regulatory controls would also prevent further deterioration in the food density of meat products through the excessive use of pump. Industry would assume the costs associated with restricting the amount of water in meat products.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 535-HWC

### BAN OF DIRECT SALE OF RAW MILK TO CONSUMERS

The Department of National Health and Welfare (NHW) has received strong support from such organizations as the Dairy Farmers of Canada, Agriculture Canada, the National Committee of Food and Regulatory Health Officials, the Canada Committee on Foods and the National Dairy Council, for a federal ban on the direct sale of raw milk to the consumer. Since the consumption of raw milk may lead to severe food poisoning, appropriate safeguards controlling the sale of raw milk are considered necessary.

Four provinces and the territories prohibit the sale of raw milk outright, two have no prohibitions against the sale of raw milk at the farm gate, and the remaining provinces have restrictions varying from pasteurization requirements based on size of population, to milk pasteurization areas designated by the Lieutenant Governor or according to municipal by-laws.

The Health Protection Branch, as an alternate to regulations, tried, often unsuccessfully, to obtain uniform provincial regulations to ban the sale of unpasteurized milk. While the regulation of fluid milk has generally been left to provincial authorities, the Department of Justice has recently concluded that NHW has the legislative authority under the Food and Drugs Act to regulate the sale of fluid milk with respect to safety, on a national basis.

A federal regulation prohibiting the sale of raw milk would provide a regulatory safeguard against



milk-borne illness. Under the Food and Drugs Act, distribution of raw milk, with or without consideration (i.e., exchange of money or services) constitutes a sale and thus would be in violation under the proposed ban.

*Anticipated Impact:* As in other parts of the world where the direct sale of raw milk to the consumer is prohibited, these regulatory amendments should drastically decrease milk-associated illness in Canada.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

*Contact:* B.L. Smith, Chief, Food Regulatory Affairs Division, Food Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748

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#### 536-HWC

### FOODS FOR INFANTS AND FOR SPECIAL DIETARY USE

Advances in knowledge of nutrient requirements for infants and the role of nutrition in the management of certain diseases and conditions and the forthcoming revisions to the recommended nutrient intakes for Canadians have resulted in the need to update regulations pertaining to the composition of infant formula and foods for special dietary use contained in divisions 24 and 25 of the Food and Drug Regulations. In particular, it is intended to address lipid and fat-soluble vitamin requirements in infant formula, the removal of regulatory restrictions to permit claims that a food is by its nature low in sodium, and the revision of nutrient requirements for formulated liquid diets and meal replacements if required to reflect any changes in the recommended nutrient intakes.

*Anticipated Impact:* Compositional requirements for infant formula and many foods for special dietary use will be in line with current scientific knowledge and dietetic practices. The consumer will benefit by the availability of suitable foods, and there will be commercial opportunities for industry, although costs may be incurred in the reformulation and relabelling of some foods. Proposed changes will be the subject of consultation with all interested parties.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 537-HWC

### REVISION OF THE STANDARDS FOR CACAO (COCOA) PRODUCTS AND CHOCOLATE

The standards for cocoa products and chocolate (division 4 of the Food and Drug Regulations) do not reflect current technology and practice in the confectionery industry. In response to a request from the industry, these revisions will reflect both current technology and the Canadian commitment to adopt standards endorsed by the Codex Alimentarius Commission (Joint FAO/WHO Food Standards Program).

*Anticipated Impact:* The revised standards will more closely reflect international specifications for cocoa and chocolate products, thus providing an opportunity for the Canadian industry to compete on a more equitable basis with foreign manufacturers. Consumers will also benefit since modern, clearly-defined regulatory standards will require the addition of common names and lists of ingredients to product labels. This will assist the consumer in identifying and purchasing standardized chocolate products that have organoleptic and quality attributes.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 538-HWC

### REVISION OF STANDARDS AND TERMINOLOGY FOR DISTILLED ALCOHOLIC BEVERAGES

In response to a request received by the Association of Canadian Distillers, regulations pertaining to distilled alcoholic beverages will be reviewed to reflect current practices that have evolved within the industry.

*Anticipated Impact:* The impact is expected to be minimal since the revised standards will reflect current technology and practice within the industry while maintaining recognition of unique distilled alcoholic beverages such as Canadian whisky.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 539-HWC

### COLOURING AGENTS PERMITTED AS FOOD ADDITIVES

Colouring agents permitted for use in food in Canada are regulated as food additives in division 16 of the Food and Drug Regulations. Table III, division 16, provides a list of colouring agents, areas of use and permitted use levels, but as presently constituted, it is confusing and irrelevant to present-day use. Revision and updating of the table is needed.

An information letter directed at food manufacturers, suppliers of food colours, consumer associations and embassies, was issued seeking relevant information pertaining to the use of colours in foods. There has been a continuing consultation with food associations, e.g., the Grocery Products Manufacturers of Canada.

*Anticipated Impact:* Revision of table III, division 16 of the Food and Drug Regulations will clarify the status of food colours in Canada and assist food manufacturers in the proper use of these substances.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, ss. 25(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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sidered to be consistent with the Regulatory Policy and the Citizens' Code of Regulatory Fairness.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1985, c. F-27, s. 25

*Expected Date of Publication:* As required

*Contact:* B.L. Smith, Chief, Food Regulatory Affairs Division, Food Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748

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#### 541-HWC

### ROUTINE ENABLING AMENDMENTS UNDER THE FOOD AND DRUG REGULATIONS

This proposal covers a range of routine submissions requesting amendments to the Food and Drug Regulations respecting the maintenance or improvement of the nutritional quality of foods; the microbiological and chemical safety of foods, including the establishment of safe maximum residue limits for agricultural chemicals in foods; and the establishment of maximum levels for food additives.

The July 30, 1987, amendment of section 6 of the Food and Drugs Act with the "trade and commerce limitation" will permit the processing of routine amendments to food standards that have been held in abeyance since the 1979 Supreme Court of Canada decision (Labatt decision).

*Anticipated Impact:* The anticipated impact of these proposals will be minimal, or they will be shown as specific entries.

*Statutory Authority:* Food and Drugs Act, R.S.C. 1970, c. F-27, ss. 25(1)

*Expected Date of Publication:* Since these are contingent upon submissions being made to the Health Protection Branch, it is impossible to predict the dates of republication.

*Contact:* B.L. Smith, Chief, Food Regulatory Affairs Division, Food Directorate, Health Protection Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748

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#### 540-HWC

### HOUSEKEEPING AMENDMENTS TO FOOD REGULATIONS

Typographical, spelling, translation, numbering and other inconsistencies inadvertently introduced into the regulations will be corrected.

*Anticipated Impact:* No impact is anticipated. Proposals will correct amendments previously con-



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## INCOME SECURITY PROGRAMS BRANCH

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### 542-HWC MAINTENANCE OF A CHILD

This amendment will revise the definition of what constitutes the whole or substantial maintenance of a child for purposes of family allowances eligibility.

*Anticipated Impact:* Approximately 2400 children will become eligible for family allowances.

*Statutory Authority:* Family Allowances Act, 1973, S.C. 1986, c. 12, s. 7

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

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### 543-HWC FAMILY ALLOWANCES ELIGIBILITY – VISITORS AND PERMIT HOLDERS

This amendment will provide that visitors and permit holders are eligible for family allowances effective with their thirteenth month of residence in Canada.

*Anticipated Impact:* Persons admitted to Canada as visitors or permit holders will not be eligible for family allowances until they have resided in Canada for twelve months. However, thereafter they will receive benefits on a monthly basis. In addition, such individuals who do not have income which is subject to income tax under the Income Tax Act will no longer be denied access to the family allowances program.

*Statutory Authority:* Family Allowances Act, 1973, S.C. 1986, c. 12, s. 1

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

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### 544-HWC APPEALS UNDER THE CANADA PENSION PLAN

Rules of procedure of a review committee are replaced with rules of procedure of a review tribunal (required as a result of amendments to the Canada Pension Plan).

*Anticipated Impact:* It is expected that the quality of decisions made by the new review committee will be improved and will result in fewer appeals to the Pension Appeals Board. As a result, some appeals will be resolved more quickly than is currently the case.

*Statutory Authority:* Canada Pension Plan, R.S.C. 1985, c. C-8

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

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### 545-HWC PAYMENT OF FAMILY ALLOWANCES TO THE FATHER

The changes will extend the circumstances under which family allowances may be paid to the father, to include those situations where the father is the parent most closely involved with the day-to-day care of the child or where the parents have joint custody of the child.

*Anticipated Impact:* This change will allow parents to choose what is best for the family.

*Statutory Authority:* Family Allowances Act, 1973, S.C. 1986, c. 12, s. 7

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

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### 546-HWC OLD AGE SECURITY – RESIDENCE

These amendments will clarify the circumstances under which an individual absent from Canada will be considered to be resident in Canada for purposes of the Old Age Security program.

**Anticipated Impact:** The changes will allow individuals to determine, based on their reason for leaving Canada and their intention to return, whether or not the time spent outside Canada will count as residence for purposes of the Old Age Security Act. Such individuals will not, for the most part, have to wait until they apply for a benefit to find out what proportion of the basic pension, if any, they will be entitled to receive.

**Statutory Authority:** Old Age Security Act, R.C.S. 1985, C. O-9, s. 34

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

**Contact:** Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

international social-security agreement cannot receive a larger flat-rate disability benefit than that provided to Canada Pension Plan beneficiaries in the absence of an agreement.

**Anticipated Impact:** This regulation ensures both an equitable and consistent application of the Canada Pension Plan in cases involving international agreements.

**Statutory Authority:** Canada Pension Plan, S.C. 1986, c. 38, s. 54

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 547-HWC

### CANADA PENSION PLAN – MINOR CHANGES

The most significant change would be to remove the need to have all Canada Pension Plan (CPP) disability applications reviewed by a disability determination board. Also included will be some minor corrections to errors (i.e., typographical, grammatical and corrections to either the English or French version) made when the regulations were amended by SOR/86-1133.

**Anticipated Impact:** CPP disability applications will be dealt with more quickly, thereby ensuring that persons eligible for benefits will begin to receive such benefits sooner than is currently the case.

**Statutory Authority:** Canada Pension Plan, S.C. 1986, c. 38, s. 12

**Expected Date of Publication:** Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 548-HWC

### CALCULATION OF BENEFITS UNDER INTERNATIONAL SOCIAL SECURITY AGREEMENTS

This regulation will clarify how a Canada Pension Plan disability benefit and a combined disability/survivor benefit are calculated under the terms of an international social-security benefit and will ensure that beneficiaries under the provisions of an

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#### 549-HWC

### APPLICATION FOR FAMILY ALLOWANCES

These amendments remove the requirement for a telephone number on the application form, add requirements for the Social Insurance Number of both parents (where applicable) and for proof of birth for children born outside Canada.

**Anticipated Impact:** These amendments will reduce the time required to approve an application.

**Statutory Authority:** Family Allowances Act, 1973, S.C. 1986, c. 12, s. 7

**Expected Date of Publication:** Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 550-HWC

### METHOD AND TIMING OF FAMILY ALLOWANCES PAYMENTS

These changes will allow for methods of payment of family allowances benefits other than by cheque and will remove the restrictions on the time of month a benefit will be paid.

**Anticipated Impact:** This change will allow for administrative flexibility to institute new procedures for paying benefits.

**Statutory Authority:** Family Allowances Act, 1973, R.S.C. 1985, c. F-1, ss. 7(1)



*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 551-HWC

### **OLD AGE SECURITY – SOCIAL INSURANCE NUMBERS**

This regulation will clarify the need for all persons applying for Old Age Security program benefits to provide their Social Insurance Number.

*Anticipated Impact:* This change will assist in the effective administration of the Old Age Security Act.

*Statutory Authority:* Old Age Security Act, R.S.C. 1985, c. O-9

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

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#### 552-HWC

### **OLD AGE SECURITY – HOUSEKEEPING**

This amendment will remove references to the Blind Persons Act and the Disabled Persons Act which have both been repealed.

*Anticipated Impact:* None as it is an administrative matter.

*Statutory Authority:* Old Age Security Act, R.S.C. 1985, c. O-9

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 553-HWC

### **INTERNATIONAL SOCIAL SECURITY AGREEMENTS**

These amendments will revoke the schedule of the Old Age Security regulations and schedule IX of the

Canada Pension Plan regulations which simply list those countries with which Canada has entered into international social-security agreements and the effective date of each agreement.

*Anticipated Impact:* These schedules will be replaced by other informational efforts which are more likely to reach the public.

*Statutory Authority:* Old Age Security Act, R.S.C. 1985, c. O-9 and Canada Pension Plan, R.S.C. 1985, c. C-8

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief, Legislation, Programs Policy, Appeals and Legislation, Income Security Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 0L4. Tel. (613) 957-1459

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## **MEDICAL SERVICES BRANCH**

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#### 554-HWC

### **SANITATION REGULATIONS FOR COMMON CARRIERS**

This proposal concerns regulations governing food handling and storage and the source and supply of potable water on board a conveyance, or service ancillary to a conveyance, operated by common carriers.

*Anticipated Impact:* Public protection will be increased through issuance of certificates for food establishments and water systems complying with regulations. A small increase in costs to the department and industry is anticipated and will be more precisely defined at a later date.

*Statutory Authority:* National Health and Welfare Act, R.S.C. 1985, c. N-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## HEALTH SERVICES AND PROMOTION BRANCH

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555-HWC

### EXTENDED HEALTH CARE SERVICES

In provincial health care activities, extended health care services are distinguished from insured health services within and for the purposes of the Canada Health Act. Whereas insured health services are defined by the act, these regulations are necessary to define more particularly extended health care services as they pertain to the provision of nursing-home intermediate-care, adult residential-care and the health aspects of home and ambulatory care to residents of a province.

*Anticipated Impact:* Defining the scope of health services block-funded under the Canada Health Act, these regulations will assist in determining federal-provincial cost-sharing under the Canada Assistance Plan. Exclusionary-funding provisions within the Canada Assistance Plan prohibit cost sharing of services funded by other federal legislation.

*Statutory Authority:* Canada Health Act, R.S.C. 1985, c. C-6, s. 22(1)(a)

*Expected Date of Publication:* Because these regulations are contingent upon unanimous provincial consent, it is impossible to predict a date of prepublication. It is hoped that the required consent will be received during 1989.

*Contact:* J. Vellinga, Chief, Monitoring and Assessment, Program Administration Division, Health Insurance Directorate, Health Services and Promotion Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 1B4. Tel. (613) 954-8684

556-HWC

### EXCLUSIONS FROM HOSPITAL SERVICES

This proposal is to facilitate interpretation and administration of the provincial health care insurance plans by clarifying the meaning of insured hospital services as referred to in the Canada Health Act. The regulations specify what are not insured hospital services, that is, services that are not medically necessary, that do not require the use of a hospital, that are covered by other statutes and that are obtained out of province by residents on an elective, non-approved basis.

*Anticipated Impact:* Hospitals may supplement their revenue by charging residents of a province for services which are not insured services. A provincial health insurance plan is not required to insure such services as a condition of full contribution under the

Canada Health Act. No significant impact is anticipated.

*Statutory Authority:* Canada Health Act, R.S.C. 1985, c. C-6, s. 22(1)(b)

*Expected Date of Publication:* Because these regulations are contingent upon unanimous provincial consent, it is impossible to predict a date of prepublication. It is hoped that the required consent will be received during 1989.

*Contact:* J. Vellinga, Chief, Monitoring and Assessment, Program Administration Division, Health Insurance Directorate, Health Services and Promotion Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 1B4. Tel. (613) 954-8684

557-HWC

### EXTRA-BILLING AND USER CHARGES INFORMATION – HOUSEKEEPING

The proposed regulations will correct translation inconsistencies in the French version of the original text.

*Anticipated Impact:* None since the amendments are administrative only.

*Statutory Authority:* Canada Health Act, R.S.C. 1985, c. C-6, s. 22(1)(c)

*Expected Date of Publication:* The amending regulations are expected to be published during 1989 at the same time as the regulations on Extended Health Care Services and Exclusions from Hospital Services.

*Contact:* J. Vellinga, Chief, Monitoring and Assessment, Program Administration Division, Health Insurance Directorate, Health Services and Promotion Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 1B4. Tel. (613) 954-8684

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## SOCIAL SERVICE PROGRAMS BRANCH

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558-HWC

### CANADA CHILD CARE ACT REGULATIONS

These regulations will allow for the implementation and on-going administration of the Canada Child Care Act. The regulations will further define certain terminology used in the act and will set out in greater detail those requirements which must be met in order to permit the federal government and the provinces to enter into cost-sharing agreements for child care services.



*Anticipated Impact:* These regulations will assist in the creation of 200 000 day-care spaces throughout Canada. They will also support existing services and provide for the maintenance and support for the expanded system of child care beyond the initial seven-year developmental period. In addition, these regulations will define the parameters for sharing in capital costs of non-profit day-care agencies which are currently not shareable. They will also support operating costs of both commercial and not-for-profit day-care agencies.

Costs as defined in these regulations will not exceed \$4 billion during the period April 1, 1988, to March 31, 1995. The federal-provincial cost-sharing formula has three elements: 50\50 sharing in the operating costs of commercial and non-profit day-care agencies; 75\25 sharing in the capital costs of not-for-profit day-care agencies; and an additional "top-up" for provinces with less-developed child-care systems to ensure that parents and children are not penalized by a particular province's inability to increase resources. All costs, nevertheless, are subject to a specific ceiling annually for each province. Future annual costs beyond 1995 will be based on payments made in the 1994-95 fiscal year and determined by the Minister of Finance in consultation with the Minister of National Health and Welfare.

While child-care providers will be required to meet provincial standards, these regulations will not impose any additional regulatory requirements on industry or on individuals.

*Statutory Authority:* Canada Child Care Act, 1989

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Legislation Development, Child Care Programs, Social Service Programs Branch, Health and Welfare Canada, Ottawa, Ontario, K1A 1B5. Tel. (613) 957-4405

# INDIAN AND NORTHERN AFFAIRS CANADA

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## Roles and Responsibilities

Indian and Northern Affairs Canada (INAC) was established in 1966 by the Department of Indian Affairs and Northern Development Act which gives the Minister responsibility for Indian, Inuit and northern affairs, including provincial-type responsibilities for the people and natural resources associated with Indian reserves, the Yukon and Northwest Territories as well as responsibility for some programs and services for status Indians off-reserve. INAC places policy emphasis on supporting the devolution of responsibilities to native and territorial governments, promoting the development of Indian self-government and encouraging viable economic development to support self-government. INAC's regulatory responsibilities are administered by the Indian and Inuit Affairs Program, the Northern Affairs Program, and the Canada Oil and Gas Lands Administration.

## Legislative Mandate

The Indian and Inuit Affairs Program is responsible for: fulfilling federal legal obligations arising from treaties and statutes concerning aboriginal people; providing for the delivery of basic services (education, social assistance, housing, community infrastructure) to status Indians and Inuit; assisting Indians and Inuit to acquire employment skills and to develop viable business; negotiating the settlement of accepted claims relating to aboriginal rights (not dealt with by treaty or other means) or past unfulfilled federal legal obligations; advancing aboriginal self-government through legislative, policy and administrative changes; and, supporting discussions to clarify the rights of aboriginal people under the Canadian Constitution. The statutes administered by the Indian and Inuit Affairs Program, in whole or in part, include:

- Alberta Natural Resources Act
- British Columbia Indian Cut-off Lands Settlement Act
- British Columbia Indian Reserves Mineral Resources Act
- Caughnawaga Indian Reserve Act
- Cree-Naskapi (of Quebec) Act
- Department of Indian Affairs and Northern Development Act
- Fort Nelson Indian Reserve Minerals Revenue Sharing Act
- Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act
- Indian Act
- Indian Lands (Settlement of Differences) Act
- Indian Lands Agreement (1986) Act
- Indian Oil and Gas Act
- Indian (Soldier Settlement) Act
- James Bay and Northern Quebec Native Claims Settlement Act

- Manitoba Natural Resources Act
- Manitoba Supplementary Provisions Act
- Natural Resources Transfer (School Lands) Amendment Act
- New Brunswick Indian Reserves Agreement Act
- Nova Scotia Indian Reserves Agreement Act
- Public Lands Grants Act
- Railway Belt Act
- Railway Belt and Peace River Block Act
- Railway Belt Water Act
- St. Peters Indian Reserve Act
- St. Regis Indian Reserve Act
- Saskatchewan and Alberta Roads Act
- Saskatchewan Natural Resources Act
- Sechelt Indian Band Self-Government Act
- Songhees Indian Reserve Act

The Northern Affairs Program is responsible for: co-ordinating federal activity and programming in the north, providing transfer payments to the government of the Yukon and Northwest Territories (to assist them in providing public services to territorial residents); fostering northern science and technology and providing a focus for circumpolar affairs; supporting the balanced development of the north through the management of natural resources (oil and gas, minerals, water, and lands), protection and management of the northern natural environment (including Arctic seas), fostering economic and employment opportunities for northerners and funding social and cultural programs; and pursuing northern political development through devolution, program transfers, balanced economic development and the protection of aboriginal rights. The statutes administered by the Northern Program, in whole or in part, include:

- Arctic Waters Pollution Prevention Act
- Canada Lands Surveys Act, Part III
- Canada Petroleum Resources Act
- Condominium Ordinance Validation Act
- Department of Indian Affairs and Northern Development Act
- Dominion Water Power Act
- Land Titles Act
- Northern Canada Power Commission (Share Issuance and Sale Authorization) Act
- Northern Canada Power Commission Yukon Assets Disposal Authorization Act
- Northern Inland Waters Act
- Northern Territories Act
- Oil and Gas Production and Conservation Act
- Public Lands Grants Act
- Territorial Lands Act
- Western Arctic (Inuvialuit) Claims Settlement Act
- Yukon Act
- Yukon Placer Mining Act
- Yukon Quartz Mining Act

For Canada Oil and Gas Lands Administration (COGLA), an agency reporting to both the Minister



of Indian and Northern Affairs Canada and the Minister of Energy, Mines and Resources, see page 41, under separate chapter for Canada Oil and Gas Lands Administration.

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## SELF-GOVERNMENT

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### 559-INAC

#### CREE-NASKAPI – BAND EXPROPRIATIONS

These regulations establish the substantive and procedural requirements for expropriations by the Cree bands and the Naskapi band of northern Quebec for community purposes or community works, of rights and interests in Category 1A or 1A-N lands (lands under federal jurisdiction) or in buildings situated thereon.

*Anticipated Impact:* The regulations apply only on the Category 1A and 1A-N lands of the eight Cree bands and the Naskapi band of northern Quebec (population 8500). Because of their limited application, these regulations have little or no impact on the Canadian economy, nor are there financial costs to the federal government associated with these regulations.

*Statutory Authority:* Cree-Naskapi (of Quebec) Act, S.C. 1984, c. 18, s. 156

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* E. Heath, Senior Operations Officer, Self-Government, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 994-3302

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### 560-INAC

#### CREE-NASKAPI – FORM OF DEEDS RELATING TO CERTAIN SUCCESSIONS

These regulations deal with successions of the members of the Cree bands and the Naskapi band of northern Quebec. They establish the form for deeds relating to the acceptance, renunciation or settlement of successions composed of property located on the Category 1A or 1A-N lands (lands under federal jurisdiction) or successions in which persons suffering legal incapacity are interested.

*Anticipated Impact:* The regulations apply to the eight Cree bands and the Naskapi band of northern Quebec (population 8500). Because of their limited application, these regulations have no impact on the

Canadian economy, and no financial costs to the federal government are associated with the regulations.

*Statutory Authority:* Cree-Naskapi (of Quebec) Act, S.C. 1984, c. 18, ss. 10, 177

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 561-INAC

#### CREE-NASKAPI – SPECIAL BAND MEETINGS

These regulations govern special band meetings of the Cree bands and the Naskapi band, including provisions for the calling and conduct of meetings, voting at meetings and the preparation and keeping of records of votes taken, etc. However, the regulations apply only if, at the time of the calling of a special band meeting, there is no special band meeting by-law in force.

*Anticipated Impact:* Because the regulations apply only to the eight Cree bands and the Naskapi band of northern Quebec (population 8500) and because they come into force only in the absence of a special band meeting by-law, their application is very limited. These regulations have no impact on the Canadian economy, and there are no financial costs to the federal government associated with them.

*Statutory Authority:* Cree-Naskapi (of Quebec) Act, S.C. 1984, c. 18, s. 87

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* E. Heath, Senior Operations Officer, Self-Government, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 994-3302

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### 562-INAC

#### CREE-NASKAPI – BAND REFERENDA

These regulations govern band referenda of the Cree bands and the Naskapi band, including provisions for the calling and conduct of referenda, voting in referenda, and the preparation and keeping of records of votes taken, etc. However, the regulations apply only if, at the time of the calling of a band referendum, there are no band referenda by-laws in force.

**Anticipated Impact:** Because the regulations apply to the eight Cree bands and the Naskapi band of northern Quebec (population 8500) and because they come into force only in the absence of band referenda by-laws, their application is very limited. These regulations have no impact on the Canadian economy nor financial cost to the federal government.

**Statutory Authority:** Cree-Naskapi (of Quebec) Act, S.C. 1984, c. 18, s. 87

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

**Contact:** E. Heath, Senior Operations Officer, Self-Government, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 994-3302

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## LANDS, REVENUES AND TRUSTS

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### 563-INAC INDIAN HEALTH REGULATIONS – TECHNICAL AMENDMENTS

These regulations provide for the control of infectious diseases involving Indians and non-Indians. Several provisions of the existing regulations may be contrary to the Canadian Charter of Rights and Freedoms and ultra vires the enabling legislation, the Indian Act. At the urging of the Standing Joint Committee for the Scrutiny of Regulations, the Department is proceeding with appropriate amendments to ensure the legality of the regulations. On the recommendation of Health and Welfare Canada, a further amendment is being included to enable control of health programs to be transferred to Indian band councils.

**Anticipated Impact:** These amendments will bring the regulations in line with the Canadian Charter of Rights and Freedoms, ensure that they do not affect individuals who are not subject to the Indian Act (i.e., non-Indians) and permit Indian bands to assume responsibility for health care on reserve.

**Statutory Authority:** Indian Act, R.S.C. 1985, c. I-5, s. 73(1)(f)(g)(h)

**Expected Date of Publication:** Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

**Contact:** R. Jackman, Chief, Statutory Requirements, Lands, Revenues and Trusts, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-9800

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### 564-INAC INDIAN HEALTH – MAJOR REVIEW

The present Indian Health Regulations are primarily a remnant of the days when the Indian agent, doctor or nurse controlled much of an Indian's daily life. As well, many terms used in the regulations are outdated or inappropriate to today's legal standards. A major review is being initiated with the co-operation of Health and Welfare Canada, in consultation with native groups. Amendments will be drafted with a view towards adapting the present regulatory framework to modern standards while being consistent with the policy of self-government.

**Anticipated Impact:** These amendments will bring the regulations in line with health standards throughout Canada and facilitate the transfer of control of health programs to Indian band councils.

**Statutory Authority:** Indian Act, R.S.C 1985, c. I-5

**Expected Date of Publication:** Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

**Contact:** R. Jackman, Chief, Statutory Requirements, Lands, Revenues and Trusts, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-9800

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### 565-INAC AUTHORITY FOR SPECIFIC AGREEMENTS – ONTARIO

Parliament has adopted enabling legislation bringing into effect the 1986 Indian Lands Agreement with Ontario. This agreement, which has been approved by Indian association leaders and signed by federal and provincial ministers, will allow Canada, Ontario and individual Indian bands to enter into specific agreements for the removal of provincial interests in unsold surrendered lands and Indian minerals. Clause 10(a) of the agreement provides for band confirmation of specific agreements by referenda conducted pursuant to regulations made by the Governor in Council. The regulations will specify who shall vote, the notification procedures required, how the votes are to be conducted and regulated, and the steps required to verify or appeal the results.

**Anticipated Impact:** Certain Ontario Indian bands have already negotiated or are close to concluding, specific agreements. Confirmation regulations will allow these and other bands in the future to approve band-specific agreements by referendum. These agreements have the potential to provide a 12 per cent increase in the reserve land base of Ontario Indians and it is expected that the province will relinquish its existing 50 per cent interest in Indian mineral royalties.



*Statutory Authority:* Indian Lands Agreement (1986) Act, S.C. 1988, c. 39, s. 5

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* H.J. Ryan, Chief, Land Entitlement and Registrar of Indian Lands, Lands, Revenues and Trusts, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 994-2990

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## ECONOMIC DEVELOPMENT

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### 566-INAC INDIAN MINING

The amendments address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations on the discretionary power given to a government official under certain sections of the Indian Mining Regulations. Specifically, section 23, the subsections (2) and (4) make the renewal of a lease dependent upon a government official's opinion. Further, section 30 provides for the same condition with respect to the filing of assessment work. In both sections the decision is made based on the opinion whether the lessee has paid substantial royalties for production in respect of the lease. The committee is of the view that such a discretionary element is improper. Subsection 23(2) will be reworded and subsection 23(4) and section 30 will be deleted.

*Anticipated Impact:* No cost to the mining industry or the national economy is anticipated. This action will, however, provide for an enhanced predictability with regard to the exercise of discretionary powers.

*Statutory Authority:* Indian Act, R.S.C. 1985, c. I-5

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.-L. Blais, Senior Economic Policy Manager, Economic Development, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (809) 997-8230

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### 567-INAC INDIAN OIL AND GAS

These amendments have been developed by an Indian Oil and Gas Regulations Committee made up of native people and departmental officials. The amendments call for increased band involvement in

the management of their oil and gas resources as well as the provision of additional technical information by industry contract holders to the bands and Indian and Northern Affairs Canada. The amendments do not call for any new expenditures of federal money or major changes in government policy.

*Anticipated Impact:* Most of the impact will be on the relationship between Indian bands with oil and gas interests and the Department of Indian and Northern Affairs Canada. Implications for the oil and gas industry involve more contact with bands and the provision of additional information. These requirements have been discussed with industry representatives, including the Canadian Petroleum Association, the Independent Petroleum Association of Canada and the Canadian Association of Petroleum Landmen.

*Statutory Authority:* Indian Oil and Gas Act, R.S.C. 1985, c. I-7, s. 3

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Chief Executive Officer, Indian Oil & Gas Canada, 654, 220 - 4th Ave. S.E., P.O. Box 2924, Stn. M, Calgary, Alberta, T2P 2M7. Tel. (403) 292-5625

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## NORTHERN AFFAIRS

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### 568-INAC YUKON QUARTZ MINING – WORK RELIEF

In 1978, in order to set aside land for a national park and other conservation purposes, Order in Council P.C. 1978 – 2195 withdrew certain lands in the northern Yukon from dispositions such as mining. At the time there were 332 mineral claims in good standing in the area. To avoid land and other disturbances in the area until a proper management regime could be put in place, the Yukon Quartz Mining Act Work Relief Regulations were instituted to reduce the amount of exploratory work being done on the mineral claims. These regulations have been extended from time to time, and an extension to December 31, 1990 is expected.

*Anticipated Impact:* In accordance with the Yukon Placer Mining Act, a claim holder must perform \$100 worth of exploratory work each year. These regulations waive the work requirement if the claim holder so wishes, but are not a restriction on the current claim holders; they do not prevent the claim holder from exercising his right to work the claim.

The reduction or elimination of work done in the area enables government officials to more effectively determine a proper management or conservation regime for the area.

*Statutory Authority:* Yukon Quartz Mining Act, R.S.C. 1985, c. Y-4, s. 55

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.M. Hodgkinson, Chief, Mining Administration, Natural Resources and Economic Development, Northern Affairs, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 994-6434

#### 569-INAC

### COAL MINING – YUKON AND NORTHWEST TERRITORIES

The Territorial Coal Regulations, made pursuant to the Territorial Lands Act, govern the administration, disposition and production of coal-mining rights in Yukon and the Northwest Territories. The current regulations, promulgated in 1954, are outdated and revision is necessary, particularly in terms of acquisition of long-term rights, environmental concerns and royalties.

*Anticipated Impact:* New regulations will provide the coal-mining industry with the necessary mechanisms to acquire, explore and maintain long-term rights. They will also provide for a fair return to the Crown in exchange for the production of coal while allowing the appropriate deductions to the miner.

*Statutory Authority:* Territorial Lands Act, R.S.C. 1985, c. T-7

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

*Contact:* J.M. Hodgkinson, Chief, Mining Administration, Natural Resources and Economic Development, Northern Affairs, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 994-6434

#### 570-INAC

### REINDEER – NORTHWEST TERRITORIES

The Northwest Territories Reindeer Regulations provide for the management and protection of reindeer in the Northwest Territories. The industry has been substantially restructured since the regulations were enacted in 1954. In addition, the Standing Joint Committee for the Scrutiny of Regulations has expressed concerns regarding the scope of the

discretionary power vested in the Minister. Therefore, the regulations will be revised.

*Anticipated Impact:* The regulations will be amended to bring them up to date, to respond to the concerns of the Standing Joint Committee for the Scrutiny of Regulations and to facilitate the future transfer of responsibility for reindeer management to the Government of the Northwest Territories.

*Statutory Authority:* Northwest Territories Act, R.S.C. 1985, c. N-27

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* F. McFarland, Chief, Biological Resources, Natural Resources and Economic Development, Northern Affairs, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-9621

#### 571-INAC

### YUKON QUARTZ MINING LEASES – SECOND RENEWAL

Section 101 of the Yukon Quartz Mining Act requires approval from the Governor in Council for the second renewal term of leases issued under the act. Although the act guarantees the right to the renewals, the terms and conditions of the leases are to be prescribed by the Governor in Council. Standard clauses have been in effect for several years for all mining leases.

*Anticipated Impact:* Maintenance of mineral rights, particularly those in the lease stage, generally enhances the Yukon economy through exploration expenditures and ultimately, the production of minerals while providing a return to the Crown in fees and royalties.

*Statutory Authority:* Yukon Quartz Mining Act, R.S.C. 1985, c. Y-4, s. 101

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.M. Hodgkinson, Chief, Mining Administration, Natural Resources and Economic Development, Northern Affairs, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4. Tel. (819) 994-6434

#### 572-INAC

### YUKON MINING – STAKING PROHIBITIONS

In 1989 approximately 10 orders in council will be required to prohibit staking of claims and prospecting for precious minerals on certain lands in the Yukon that are required for various public purposes.



Prohibition orders have been used consistently over the years to protect lands required to meet certain public policy objectives, including the settlement of native land claims.

*Anticipated Impact:* Only the prospecting and staking of new claims will be prohibited. The holders of claims in good standing retain all existing rights without interference. Lapsed claims, however, cannot be re-staked.

*Statutory Authority:* Yukon Placer Mining Act, R.S.C. 1985, c. Y-3, s. 98

*Expected Date of Publication:* Various dates throughout 1989

*Contact:* J.I. Sneddon, Chief, Land Management, Natural Resources and Economic Development, Northern Affairs, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0663

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#### 573-INAC

#### FEDERAL GOVERNMENT EMPLOYEE LAND ACQUISITIONS

In 1988 approximately 15 orders in council will be required to authorize employees of the Government of Canada to acquire interests in Crown lands in the NWT or Yukon as required by the conflict of interest guidelines. Employees or their spouses routinely acquire territorial lands for residences, cottages or commercial interest.

*Anticipated Impact:* These orders will have no impact on the general public, although employees and their families may suffer financial or personal hardship if the order is not approved in a timely manner.

*Statutory Authority:* Territorial Lands Act, R.S.C. 1985, c. T-7, s. 28

*Expected Date of Publication:* Various dates throughout 1989

*Contact:* J.I. Sneddon, Chief, Land Management, Natural Resources and Economic Development, Northern Affairs, Indian and Northern Affairs Canada, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0663

# DEPARTMENT OF JUSTICE CANADA

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REGULATIONS CONCERNING PART I OF THE FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT .....	574-JUS
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## Roles and Responsibilities

The Department of Justice was created by an Act of Parliament in 1868. In 1962, the report of the Royal Commission on Government Organization recommended that the legal services of the government be provided by the Department of Justice, with five exceptions: the Judge Advocate General; the Legal Division of External Affairs; the Legal Division of Taxation in the Department of National Revenue; the Pensions Advocates in the Department of Veterans Affairs; and, the Legal Officers in the RCMP. That recommended integration was completed by 1970.

The Department of Justice performs the two distinct functions of the Attorney General and the Minister of Justice. The Department of Justice Act provides for three broad areas of endeavour: first, to provide a full range of legal services to the Government of Canada, including the provision of legal advice, the preparation of legal documents, the drafting of legislation and the regulation or conduct of litigation; second, to ensure that the administration of public affairs is carried out in accordance with the law; and third, the responsibility for planning, development and implementation of government policies in areas relating to the administration of justice and such other areas as are assigned by the Governor in Council.

The major statutes include the Canadian Bill of Rights, the Statutory Instruments Act and the Statute Revision Act. The Canadian Bill of Rights requires that bills introduced by ministers in the House of Commons, and the regulations transmitted to the Clerk of the Privy Council for registration, be examined to ascertain that the provisions thereof are consistent with the purposes and provisions of that act. By a 1985 amendment to the Department of Justice Act, the minister is given the responsibility for examining such regulations and bills to ascertain that their provisions are consistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms. In both cases, any inconsistency must be reported to the House of Commons at the first convenient opportunity. The Statutory Instruments Act requires the examination of regulations according to criteria set out in that Act. The Statute Revisions Act provides for the periodic revision and consolidation of the public general statutes of Canada and of the regulations of Canada.

## Legislative Mandate

The following legislation is administered by the Department of Justice in whole or in part.

- Access to Information Act
- Annulment of Marriages (Ontario) Act
- Anti-Inflation Act
- Bills of Lading Act
- Canada Evidence Act

- Canada Prize Act
- Canada - United Kingdom Civil and Commercial Judgments Convention Act
- Canadian Bill of Rights
- Canadian Human Rights Act
- Commercial Arbitration Act
- Criminal Code
- Crown Liability Act
- Department of Justice Act
- Divorce Act
- Escheats Act
- Extradition Act
- Family Orders and Agreements Enforcement Assistance Act
- Federal Court Act
- Food and Drugs Act
- Foreign Enlistment Act
- Foreign Extraterritorial Measures Act
- Fugitive Offenders Act
- Garnishment, Attachment and Pension Diversion Act
- Identification of Criminals Act
- Interpretation Act
- Judges Act
- Law Reform Commission Act
- Lord's Day Act
- Marriage Act
- Narcotic Control Act
- Official Secrets Act
- Permanent Court of International Justice Act
- Postal Services Interruption Relief Act
- Privacy Act
- State Immunity Act
- Statute Revision Act
- Statutory Instruments Act
- Supreme Court Act
- Tax Court of Canada Act
- Territorial Supreme Courts Act
- Tobacco Restraint Act
- United Nations Foreign Arbitral Awards Convention Act
- War Measures Act
- Young Offenders Act

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### 574-JUS

#### REGULATIONS CONCERNING PART I OF THE FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT

These regulations amend certain provisions of the regulations made under part I of the act proclaimed in November 1987 concerning the release of information for the enforcement of family orders and agreements. Since the service established under this part of the act is now in operation, certain



amendments are necessary to take operational changes into account or to improve the system.

*Anticipated Impact:* To improve the system for releasing information in order to make it more useful to the public.

*Statutory Authority:* Family Orders and Agreements Enforcement Assistance Act, R.S.C. 1985, c. C-4

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Counsel, Family Law Policy Development Section, Department of Justice, 239 Wellington Street, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4719

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#### 575-JUS

##### VICTIM FINE SURCHARGE

Bill C-89, An Act to Amend the Criminal Code (Victims of Crime), was passed on July 13, 1988 and received Royal Assent on July 21, 1988. The amendments include a provision which will impose a victim fine surcharge on offenders convicted or discharged of offences under the Criminal Code, Part III or IV of the Food and Drugs Act or the Narcotic Act. Surcharge revenue shall be used to provide assistance to victims of offences as directed by the Lieutenant Governor in Council of the province in which the surcharge is imposed.

The Criminal Code provision imposing the victim fine surcharge empowers the Governor in Council to enact by regulation the amount of the applicable victim fine surcharge subject to the maximum amounts set out in the Criminal Code.

*Anticipated Impact:* The victim fine surcharge provisions will create a source of revenue to facilitate the provision of services and assistance to victims of crime by provincial and territorial governments. The additional revenue will also assist jurisdictions to implement the provisions of Bill C-89 which are designed to benefit victims of crime. The victim fine surcharge provisions in the Criminal Code will complement provincial surcharge schemes currently operating in Manitoba and planned in several other jurisdictions.

*Statutory Authority:* Criminal Code, R.S.C. 1985, c. C-46, s. 655.9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Counsel, Criminal Law Policy Section, Criminal and Family Law Policy Directorate, Department of Justice, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel. (613) 957-4716

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#### 576-JUS

##### REGULATIONS CONCERNING PART II OF THE FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT

These regulations further the implementation of the provisions of Part II of the act, proclaimed in force on May 2, 1988, by adding to the list of garnishable monies those garnishable from the Department of Agriculture and the Bank of Canada and specifying further administrative procedures necessary for the proper operation of the interception system already introduced under the act.

*Anticipated Impact:* The regulations are necessary to implement all aspects of the federal monies interception program. This program constitutes a means of collection to help increase the income for the spouse who is owed support.

*Statutory Authority:* Family Orders and Agreements Enforcement Assistance Act, R.S.C. 1985, c. C-4

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Counsel, Family Law Policy Development Section, Department of Justice, 239 Wellington Street, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4719

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#### 577-JUS

##### CENTRAL DIVORCE REGISTRY

The Central Divorce Registry, a service designed to eliminate jurisdictional problems under the Divorce Act, is being evaluated to determine improvements in its operation as well as to examine other means of achieving the same purpose. This evaluation may lead to changes which will be reflected in new regulations governing the Registry.

*Anticipated Impact:* Greater efficiency in the operation of the Registry may have an impact upon those divorcing because the increased reliability of the Registry should reduce both the time taken to process applications and the application fee. Increased efficiencies in the present service or adoption of an alternative to the Registry will have a positive impact on the administration of the courts and benefit the provinces as a result. The evaluation will be reviewed by the provinces. As well, the provinces, the bar and any interested groups will be consulted with respect to changes to the Registry.

*Statutory Authority:* Divorce Act, R.S.C. 1985, c. 3 (2nd Supp.), s. 26

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Senior Legal Counsel, Family Law Policy Section, Criminal and Family Law Policy Directorate, Department of Justice, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel. (613) 957-4717

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**578-JUS****COMMERCIAL ARBITRATION REGULATIONS**

The proposed regulations will prescribe the terms and conditions under which departments, departmental corporations and Crown corporations may enter into an arbitration agreement (an agreement on the method of settling a dispute without recourse to the courts).

*Anticipated Impact:* The anticipated impact on the public is minimal as arbitration agreements are normally contained as part of a contract which, by its very nature, is a consensual document. The scope of the regulations is expected to be sufficiently broad so as not to impose an adverse effect on existing commercial practice. Rather, it is intended that their passage will serve as a positive influence on departments, departmental corporations and Crown corporations in resorting to arbitration as opposed to litigation.

*Statutory Authority:* Commercial Arbitration Act, S.C. 1986, c. 22, s. 8

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* Acting General Counsel, Commercial & Property Law and Advisory Services, Department of Justice, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel. (613) 957-4644

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**579-JUS****ACCESS TO INFORMATION ACT – RIGHT OF ACCESS**

The right of access to government-held information under the Access to Information Act will be extended to unincorporated entities to permit them to request access to information in their own right.

*Anticipated Impact:* This proposal could enhance openness and accountability by facilitating access to government-held information.

*Statutory Authority:* Access to Information Act, R.S.C. 1985, c. A-1

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Head, Information Law and Privacy Section, Department of Justice, Ottawa, Ontario, K1A 0H8. Tel. (613) 957-4624

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**580-JUS****PRIVACY ACT – EXTENDING ITS COVERAGE**

The coverage of the Privacy Act will be extended to the CBC except in respect of its program material, as well as to the Supreme Court of Canada, the Federal Court of Canada and the Tax Court of Canada but only in respect of administrative matters. This will increase the number of individuals who benefit from the privacy protection provided by the Privacy Act.

*Anticipated Impact:* The personal information brought under the Privacy Act by this extension will, as a result, be subject to both the controls set out in the Privacy Act concerning the collection, use, retention, disclosure and disposal of personal information and the right of access and correction.

*Statutory Authority:* Privacy Act, R.S.C. 1985, c. P-21

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Head, Information Law and Privacy Section, Department of Justice, Ottawa, Ontario, K1A 0H8. Tel. (613) 957-4624

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**581-JUS****APPROVED BREATH ANALYSIS INSTRUMENTS ORDER, APPROVED SCREENING DEVICES ORDER, APPROVED BLOOD SAMPLE CONTAINER ORDER**

These orders are required in order to approve various devices and instruments of a kind that are designed to ascertain either the presence or the concentration of alcohol in the blood of a person as well as to approve various containers of a kind that are designed to receive a sample of the blood of a person for analysis. These devices, instruments and containers must be approved by the Attorney General of Canada before they may be used in the manner described in the Criminal Code for the purposes of detecting impairment.

*Anticipated Impact:* Approval of new devices, instruments or containers will permit their use by police forces in order to investigate suspected cases of impaired driving, boating or flying. Approval of new devices will increase the purchase options available to police authorities for the purpose and use of new equipment.

*Statutory Authority:* Criminal Code, R.S.C. 1985, c. C-46, s. 256



Expected Date of Publication: Unknown. The process of approvals is an ongoing process, dependent on the existence of applications by manufacturers who are seeking approval and upon a subsequent evaluation of the application by the federal government.

*Contact:* Senior Legal Counsel, Criminal and Family Law Policy Directorate, Department of Justice, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel. (613) 957-4730

# LABOUR CANADA

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OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – RENUMBERING THE CANADA LABOUR CODE .....	582-LC
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## Roles and Responsibilities

The regulatory responsibilities of the Department of Labour apply to employees across Canada who work for an industry or enterprise which is considered a federal undertaking or business. These include industries in interprovincial or international rail, road and pipeline transportation, shipping and related services, air transportation, interprovincial and international telecommunications as well as banks and certain Crown corporations. Also included are industries declared by Parliament to be for the general advantage of Canada, such as uranium mining. As well, Part IV (Occupational Safety and Health) applies to the public service of Canada. Finally, all non-federal industries in the Yukon Territory and the Northwest Territories are under the jurisdiction of federal labour regulations with respect to Part V (Industrial Relations) of the Labour Code.

The Department of Labour promotes and sustains stable industrial relations, a fair return for efforts in the workplace, a working environment conducive to physical and social well-being; protects the rights and interests of the parties in the world of work; promotes equitable access to employment opportunities; and fosters a climate for improved consultation and communication among government, labour and management.

Departmental regulatory activities include: mediation and conciliation; general labour services; Labour Adjustment Benefits (LAB) Program; and injury compensation respecting government employees and merchant seamen.

The mediation and conciliation activity, through the Federal Mediation and Conciliation Service, fulfills the statutory responsibility under the Canada Labour Code, Part V, for the prevention and settlement of industrial disputes and the resolution of labour-management conflict in the federal private sector and also provides expertise in industrial relations for policy formation and implementation as well as for legislative development.

The general labour services include operations intended to enforce compliance with provisions of Part III and IV of the Canada Labour Code and the Fair Wages and Hours of Labour Act, as well as operations which are advisory, promotional and educational in nature. Their objectives are to achieve compliance both with existing occupational safety and health and with employment standards legislation and programs; to promote a positive change in attitudes and values respecting work issues; and to promote information within the membership of labour organizations, about the code and the industrial relations system.

Within the Labour Adjustment Benefits Program, a statutory activity, benefits are available to older workers who were permanently laid off from designated industries before the expiry of the LAB

program and whose unemployment insurance benefits are depleted, provided they meet the age-and-years-of-service criteria under the Labour Adjustment Benefits Act.

Injury compensation respecting government employees and merchant seamen is also a statutory activity whose objective is to ensure timely and efficient validation of claims so that benefits can be provided both to injured employees and to dependent survivors of employees killed on the job, under the terms of the Government Employees Compensation Act and the Merchant Seamen Compensation Act.

## Legislative Mandate

The following legislation is administered by the Department of Labour:

- Department of Labour Act
- Canada Labour Code
- Fair Wages and Hours of Labour Act
- Labour Adjustment Benefits Act
- Merchant Seamen Compensation Act
- An Act Respecting The Hudson Bay Mining and Smelting Co. Limited
- Government Employees Compensation Act

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### 582-LC

## OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – RENUMBERING THE CANADA LABOUR CODE

Editorial amendments are being introduced to correct a number of inconsistencies resulting from the renumbering of the Canada Labour Code. Sections of the OSH Regulations will be amended, to bring uniformity of content and format to each regulation provided for under Part IV of the Canada Labour Code.

*Anticipated Impact:* Documentation used in support of Part IV of the Canada Labour Code may have to be amended to reflect the changes. The changes are designed to clarify and reflect new terminology. No significant impact on resources is anticipated.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Lascelles, Special Projects Officer, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 997-2400



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583-LC**OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – HOUSEKEEPING CHANGES**

Housekeeping amendments are being introduced to correct a number of inconsistencies identified during a review of the OSH regulations by the Standing Joint Committee on Regulatory Scrutiny. Certain sections of the regulations will be amended to bring uniformity of content and format to each regulation provided for under Part IV of the Canada Labour Code.

*Anticipated Impact:* Documentation used in support of Part IV of the Canada Labour Code may have to be amended to reflect the changes. Changes are designed to clarify and reflect new terminology. No significant impact on resources is anticipated.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Lascelles, Special Projects Officer, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 997-2400

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584-LC**CANADA OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – REVISIONS**

Upon promulgation of the existing Canada OSH Regulations on March 31, 1986, Labour Canada undertook to enhance the client consultation process of regulatory review, using a tripartite committee comprising senior representatives of labour, management and Labour Canada to review the content and substance of the regulations. The proposed amendments will provide greater clarity and will update the regulations, bringing them into line with current technology and standards. Amendments will be proposed, potentially, to five regulations.

*Anticipated Impact:* An impact analysis will be done on each revised regulation. Depending on the results of the review, legislative changes may involve increased costs.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* One regulation will be published in the First Quarter, 1989, Part I, *Canada Gazette*; two each in the third and fourth quarters of 1989, Part I, *Canada Gazette*. Publication of the regulations in Part II, *Canada Gazette* will follow shortly after the 60-day consultation period.

*Contact:* M. Lascelles, Special Projects Officer, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 997-2400

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585-LC**AVIATION OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – REVISIONS**

The Aviation OSH Regulations, as provided for in Part IV of the Canada Labour Code, were introduced in March 1987. These regulations apply on aircraft while in operation. A committee of industry representatives and government officials has been formed to review the regulations. Amendments will be proposed to provide greater clarity and to update regulations, bringing them into line with current technology and standards. Amendments will be proposed, potentially, to three regulations.

*Anticipated Impact:* An impact analysis will be done on each revised regulation. Depending on the results of the review, legislative changes may involve increased costs.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* D. Malanka, Program Consultant, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 953-0233

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586-LC**ON-BOARD TRAINS OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – REVISIONS**

The On-Board Trains OSH Regulations as provided for in Part IV of the Canada Labour Code, were introduced in March 1987. These regulations apply on board trains while in operation. A committee of industry representatives and government officials has been formed to review the regulations. Amendments will be proposed to provide greater clarity and to update regulations, bringing them into line with current technology and standards. Amendments will be proposed, potentially, to three regulations.

*Anticipated Impact:* An impact analysis will be done on each revised regulation. Depending on the results of the review, legislative changes may involve increased costs.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* D. Malanka, Program Consultant, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 953-0233

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587-LC

**MARINE OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – REVISIONS**

The Marine OSH Regulations, provided for in Part IV of the Canada Labour Code, were introduced in March 1987. These regulations apply on board ships registered in Canada while in operation. A committee of industry representatives and government officials will review the regulations. Amendments will be proposed to provide greater clarity and to update regulations, bringing them into line with current technology and standards. Amendments will be proposed to two regulations and, potentially, to a third.

*Anticipated Impact:* An impact analysis will be done on each revised regulation. Depending on the results of the review, technical changes may involve increased costs.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* P.W. Worona, Program Consultant, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 953-0229

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588-LC

**OIL AND GAS OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS – REVISIONS**

The existing Oil and Gas OSH Regulations as provided for in Part IV of the Canada Labour Code, were introduced in October, 1987. These regulations apply to exploration and development of oil and gas on certain Canada Lands. A committee of industry representatives and government officials, has been formed to review the regulations. Amendments will be proposed to provide greater clarity and to update regulations, bringing them into line with current technology and standards. Amendments to three regulations will be proposed.

*Anticipated Impact:* An impact analysis will be done on each revised regulation. Depending on the results of the review, legislative changes may involve increased costs.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* P.W. Worona, Program Consultant, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 953-0229

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589-LC

**OCCUPATIONAL SAFETY AND HEALTH (OSH) REGULATIONS FOR URANIUM AND THORIUM MINES – REVISIONS**

The proposed amendment would involve revocation of the existing regulations and issuance of a Uranium Mines (Saskatchewan) Employment Exclusion Order, equivalent in nature to the one in existence for uranium and thorium mines in Ontario. The same Saskatchewan occupational safety and health legislation as applies at present would continue to be referenced by federal legislation, but regulation would now be through the Atomic Energy Control Act.

*Anticipated Impact:* None anticipated

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Lascelles, Special Projects Officer, Occupational Safety and Health, Labour Canada, Ottawa, Ontario, K1A 0J2. Tel. (819) 997-2400

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590-LC

**OCCUPATIONAL SAFETY AND HEALTH REGULATIONS FOR THE HUDSON BAY MINING AND SMELTING CO., LIMITED – SCHEDULE REVISION**

The Act Respecting Hudson Bay Mining and Smelting Co., Limited references a number of acts and regulations of the Legislature of Manitoba relating to the protection of safety and health. As the Manitoba legislation changes, regulations updating the schedule to reference the new Manitoba requirements must be promulgated.

*Anticipated Impact:* Minimal impact, if any, is expected.

*Statutory Authority:* An Act Respecting the Hudson Bay Mining and Smelting Co., Limited, S.C. 1947, C. 62, as amended



*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Lascelles, Special Projects Officer, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 997-2400

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#### 591-LC

### **NON-SMOKERS HEALTH ACT – REGULATION IMPLEMENTATION**

Should Labour Canada be identified as one of the departments responsible for implementing the Non-Smokers Health Act, regulations will have to be promulgated to regulate smoking in workplaces under federal jurisdiction. These regulations may include criteria for the designation of smoking areas and smoking rooms; rules for their location, identification and ventilation; the maximum concentrations of by-products of tobacco combustion permissible in a smoke-free environment; exemptions in certain cases from obligations to provide independent ventilation in designated smoking-rooms; and items related to smoking on common carriers.

*Anticipated Impact:* The regulations will include additional requirements for employers in the interest of occupational safety and health and may provide, in certain cases, for the tempering of requirements, in accordance with the regulation-making authority specified in the act. Each aspect will be analysed for its impact in order to determine the overall financial implications.

*Statutory Authority:* Non-Smokers Health Act, S.C. 1988, s. 7, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Regenbrecht, Program Consultant, Occupational Safety and Health Branch, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 994-0887

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#### 592-LC

### **CANADA LABOUR STANDARDS REGULATIONS PART III OF THE CANADA LABOUR CODE – REVISIONS**

Since these regulations have not been subjected to a comprehensive examination since 1972, the review will identify and correct any inconsistencies which may have occurred since that time and will ensure that the regulations are current. Consequential amendments resulting from renumbering of sections in the 1985 Revised Statutes of Canada will

also be included. Initially, the review will be carried out by an internal departmental committee, but should amendments be required, consultations will be undertaken with interested parties.

*Anticipated Impact:* The potential economic and social impact will be minimal. Interested parties in the private sector will be consulted before prepublication and given full opportunity to comment on proposals.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2 Part III as amended

*Expected Date of publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Wayne Nute or Tamra Thomson, Senior Program Analysts, Conditions of Work, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 997-3901 or (819) 953-0202

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#### 593-LC

### **CANADA INDUSTRIAL RELATIONS REGULATIONS**

Existing regulations will be updated to provide new section numbers in accordance with the latest consolidation of federal statutes.

*Anticipated Impact:* Technical corrections only are involved, not changes to content. Thus, no impact is anticipated.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, s. 200, Part V, s. 111, Part I, as amended

*Expected Date of Publication:* First Quarter 1989, Part II, *Canada Gazette*

*Contact:* Director, Legislative and Special Projects, Federal Mediation and Conciliation Service, Labour Canada, Ottawa, Ontario, K1A 0J2.  
Tel. (819) 994-3899

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#### 594-LC

### **CANADA INDUSTRIAL RELATIONS REMUNERATION REGULATIONS**

Existing regulations will be updated to provide new section numbers in accordance with the latest consolidation of federal statutes.

*Anticipated Impact:* Since only technical corrections, rather than content changes, are involved, no impact is anticipated.

*Statutory Authority:* Canada Labour Code, R.S.C. 1985, c. L-2, Part V, s. 205, revised as Part I, s. 116

*Expected Date of Publication:* First Quarter, 1989,  
Part II, *Canada Gazette*

*Contact:* Director, Legislative and Special Projects,  
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Tel. (819) 994-3899





# NATIONAL CAPITAL COMMISSION

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AMENDMENTS TO THE NATIONAL CAPITAL COMMISSION	
PROPERTY REGULATIONS .....	595-NCC





## Roles and Responsibilities

The National Capital Commission is the federal Crown corporation which, under subsection 10(1) of the National Capital Act, has the responsibility "to prepare plans for and assist in the development, conservation and improvements of the National Capital Region (NCR) in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance." The Commission acts as an agent of Her Majesty and must have government approval to undertake its programs and activities.

The means available to the Commission to carry out its mandate are specified in subsection 10(2) of the act, which authorizes it to buy, sell, lease, develop and dispose of property; construct parks, highways, bridges, buildings and parkways; maintain and improve its own land and the property of other federal departments and agencies upon request; engage in joint projects with municipalities; make grants; conduct research; preserve historical sites and buildings; and do anything else incidental to the attainment of its responsibilities. Section II of the act gives the Commission the further responsibility to co-ordinate the development of federal lands in the capital and approve proposals for new buildings (or alterations) on such lands. Following the findings of the Nielsen Committee on Real Property Management, the Commission was also given responsibility for federal official houses (e.g., Prime Minister's residence, Rideau Hall, Stornoway).

Cabinet's decision on new directions for the Capital and the Commission has resulted in recent amendments to the act which recognize a new role in developing socio-cultural events and programs, a strengthened approval authority for the federal physical development in the NCR, and recognition of the Commission as the leader in co-ordinating socio-cultural program activities of the federal partners affecting the capital.

The various policy instruments available to the Commission continue to be necessary to achieve the physical, social and economic objectives established by the federal government for the National Capital Region. In addition, co-operative efforts with municipal, regional and other federal authorities to achieve common goals will continue to play an important role in determining the Commission's ability to fulfill its mandate.

## Legislative Mandate

National Capital Act

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### 595-NCC

#### AMENDMENTS TO THE NATIONAL CAPITAL COMMISSION PROPERTY REGULATIONS

Minor amendments will be required to adopt corrective measures identified during the first six months of 1989 as a result of the application of the new and comprehensive National Capital Commission Property Regulations.

*Anticipated Impact:* Any person entering NCC property will be required to comply with rules of conduct for the protection of public lands, for preserving order and preventing accidents therein.

*Statutory Authority:* National Capital Act, R.S.C. 1985, c. N-4

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Pierre Legault, Senior Counsel, National Capital Commission, 161 Laurier Avenue West, Ottawa, Ontario, Canada, K1P 6J6.  
Tel. (613) 239-5331





# NATIONAL DEFENCE

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BAGOTVILLE AIRPORT ZONING REGULATIONS .....	596-DND
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COMOX AIRPORT ZONING REGULATIONS .....	598-DND
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NATO COMMON INFRASTRUCTURE REMISSION ORDER .....	601-DND





## Roles and Responsibilities

The Minister of National Defence has the control and management of the Canadian Forces and of all matters relating to national defence and is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada; and research relating to the defence of Canada and to the development and improvements of material.

## Legislative Mandate

The Department of National Defence derives its legislative mandate from the National Defence Act. Other statutes administered by the Minister of National Defence include:

- Visiting Forces Act
- Aeronautics Act, with respect to any matter relating to defence
- Canadian Forces Superannuation Act
- Defence Service Pension Continuation Act
- Garnishment, Attachment and Pension Diversion Act

In addition, the Department of National Defence administers, under the general direction of the Chief Electoral Officer, the Service Voting Rules (Schedule II to the Canada Elections Act) insofar as they relate to Canadian Forces electors and their dependants.

## Administrative Arrangements

The Department of National Defence also administers regulations pursuant to the Financial Administration Act.

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596-DND

### BAGOTVILLE AIRPORT ZONING REGULATIONS

These regulations limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to the vicinity of the airport.

*Anticipated Impact:* These regulations affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and have no impact on the general society or the economy. Preliminary briefings with local municipal authorities and with the public take place before the regulations are enacted.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, (1st Supp), c. 33, s. 1, 5.4

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Robert H. Thomson, Program Manager  
Military Airfield Zoning Program, National Defence Headquarters, 101 Colonel By Drive (9CBN),  
Ottawa, Ontario, K1A 0K2. Tel. (613) 996-6528

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597-DND

### GREENWOOD AIRPORT ZONING REGULATIONS

These regulations limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to the vicinity of the airport.

*Anticipated Impact:* These regulations affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and have no impact on the general society or the economy. Preliminary briefings with local municipal authorities and with the public take place before the regulations are enacted.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985 (1st Supp), c. 33, s. 1, 5.4

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Robert H. Thomson, Program Manager  
Military Airfield Zoning Program, National Defence Headquarters, 101 Colonel By Drive (9CBN),  
Ottawa, Ontario, K1A 0K2. Tel. (613) 996-6528

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598-DND

### COMOX AIRPORT ZONING REGULATIONS

These regulations limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to the vicinity of the airport.

*Anticipated Impact:* These regulations affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and have no impact on the general society or the economy. Preliminary briefings with local municipal authorities and with the public take place before the regulations are enacted.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985 (1st Supp), c. 33, s. 1, 5.4

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*



*Contact:* Robert H. Thomson, Program Manager  
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Ottawa, Ontario, K1A 0K2. Tel. (613) 996-6528

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**599-DND****SUMMERSIDE AIRPORT ZONING REGULATIONS**

These regulations limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to the vicinity of the airport.

*Anticipated Impact:* These regulations affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and have no impact on the general society or the economy. Preliminary briefings with local municipal authorities and with the public take place before the regulations are enacted.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985 (1st Supp), c. 33, s. 1, 5.4

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Robert H. Thomson, Program Manager  
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**600-DND****SHEARWATER AIRPORT ZONING REGULATIONS**

These regulations limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to the vicinity of the airport.

*Anticipated Impact:* These regulations affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and have no impact on the general society or the economy. Preliminary briefings with local municipal authorities and with the public take place before the regulations are enacted.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985 (1st Supp), c. 33, s. 1, 5.4

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Robert H. Thomson, Program Manager  
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**601-DND****NATO COMMON INFRASTRUCTURE  
REMISSION ORDER**

It is recommended that the above noted order be amended to allow remission from the Federal Telecommunication Tax for the NATO Common Infrastructure Project.

*Anticipated Impact:* This proposal is consistent with the Excise Tax Act and the Privileges and Immunities Act whereby articles and materials purchased or imported by a government agency on behalf of a government of a country designated by the Governor in Council for the operation of military or defence establishments in Canada are exempt from federal taxes.

*Statutory Authority:* Privileges and Immunities (North Atlantic Treaty Organization) Act, R.S.C. 1985, c. P-24, s. 2

*Expected Date of Publication:* First Quarter, Part II, *Canada Gazette*

*Contact:* Brian Mason, Staff Officer Finance,  
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Headquarters (CFCCHQ), Tunney's Pasture,  
Ottawa, Ontario, K1A 0K2. Tel. (613) 991-5339

# **OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS**

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CANADA FEDERAL COURT REPORTS FEES ORDER .....602-FJA





## Roles and Responsibilities

The Office of the Commissioner for Federal Judicial Affairs was created in 1977 by an act to amend the Judges Act. The Commissioner is the deputy head of a portion of the public service separate from the Department of Justice.

The duties of the Commissioner are to act as the deputy of the Minister of Justice in discharging the latter's responsibilities under Part I of the Judges Act. These include payment of judicial salaries, expenses and annuities. The Commissioner is also responsible for the preparation of budgetary submissions for the Federal Court, Tax Court of Canada and the Canadian Judicial Council. Finally, the Commissioner must do anything else that the Minister of Justice may require in relation to the proper functioning of the Canadian judicial system. Thus the Commissioner was given the responsibility for publishing the *Canada Federal Court Reports* and an administrative role with respect to the newly-created Judicial Appointment Committees.

increase or decrease, since the pricing schedule will not be determined by the Canadian Government Publishing Centre until February 1989. The annual price change is usually insubstantial and, given the nature of the product – a series of law reports subscribed to by lawyers – the impact on the public will be negligible.

*Statutory Authority:* Federal Court Act, R.S.C. 1985, c. F-7 ss. 58(3)

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* W.J. Rankin, Executive Editor, Federal Court Reports, Office of the Commissioner for Federal Judicial Affairs, 110 O'Connor Street, 11th Floor, Ottawa, Ontario, K1A 1E3.  
Tel. (613) 995-2706

## Legislative Mandate

Created by part III of the Judges Act, R.S.C. 1985, c. J-1, the Office of the Commissioner for Federal Judicial Affairs administers part I (Judges) of that act and provides certain administrative services to the Canadian Judicial Council, established under part II of the act.

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602-FJA

### CANADA FEDERAL COURT REPORTS FEES ORDER

Subscribers' fees for the Canada Federal Court Reports [F.C.] are established for each volume year of the reports by the Canadian Government Publishing Centre. This order provides authority for the Centre to charge the fees for the 1989 subscription which will comprise three volumes of four parts each to make up 12 monthly issues.

*Anticipated Impact:* The Federal Court Act provides that the Canada Federal Court Reports shall be distributed with or without charge as the Governor in Council may direct. The Canada Federal Court Reports Fees Order relates to the list of paying subscribers who are members of the legal profession. The fees are established by the Canadian Government Publishing Centre in accordance with its policy of full cost recovery to ensure that the Canadian taxpayer does not subsidize the cost of the publication.

The 1989 fees will be effective as of the publication of [1989] 1 F.C. Part 1. At this time it is impossible to state whether the annual subscription rate will





# OFFICE OF THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS

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## Roles and Responsibilities

The Office of the Superintendent of Financial Institutions was established on July 2, 1987, with the amalgamation of the Department of Insurance and the Office of the Inspector General of Banks. The Office is responsible for supervising all federally registered or licensed financial institutions and employer-sponsored pension plans for employment under federal jurisdiction. In addition, the Office is responsible for providing actuarial advice to other departments and performs services for the valuation of government pension and insurance programs.

Pursuant to the Office of the Superintendent of Financial Institutions Act, the Office is responsible for administering legislation governing banks and federally registered or licensed insurance, trust, loan and investment companies as well as co-operative credit societies. The deputy head of the Office is the Superintendent of Financial Institutions, and the responsible minister is the Minister of Finance.

The Office protects the interests of depositors, policy holders, creditors and pension plan members of supervised financial institutions and pension plans by ensuring both the soundness of those institutions and pension plans, and the stability of the Canadian financial system. It also monitors supervised institutions and pension plans to ensure compliance with applicable legislation, related regulations and guidelines as well as gathering information about the operations of institutions and pension plans to develop sound regulatory policies and to assess strengths and weaknesses in the financial system.

## Legislative Mandate

The following legislation is administered by the Office:

- Bank Act
- Canadian and British Insurance Companies Act
- Civil Service Insurance Act
- Cooperative Credit Associations Act Excise Tax Act – Part I
- Foreign Insurance Companies Act
- Investment Companies Act
- Loan Companies Act
- Office of the Superintendent of Financial Institutions Act Pension Benefits Standards Act, 1985
- Quebec Savings Banks Act
- Trust Companies Act

## 603-OSFI

### FINANCIAL SECTOR REFORM

On December 21, 1987, the Minister of State (Finance) released a discussion draft of a proposed federal trust and loan companies act based on principles set out in the government's December 1986 policy paper on financial sector reform. The draft trust and loan legislation is intended to serve as the model for new legislation covering insurance companies, banks and co-operative credit societies.

The new legislation proposed for federally-regulated financial institutions will broaden their lending and investment powers, update and streamline the regulatory regime under which they operate and modernize the corporate law provisions that govern them. As well, the new legislation will contain provisions requiring ministerial approval for changes in ownership of financial institutions. While additional detailed rules on ownership were proposed in the draft trust and loan legislation, on June 15, 1988, the government announced that it was reviewing the ownership proposals. A summary of the key regulations proposed under the draft legislation follows.

**Regulatory capital:** A number of permitted portfolio investments are expressed as percentages of regulatory capital. The calculation of regulatory capital will conform generally with the approach to capital developed by international banking supervisors under the aegis of the Bank for International Settlements. These regulations are likely to feature the concept of two tiers of capital, the first comprising more permanent capital items and the second comprising less permanent capital items. In addition, there will be rules to eliminate the double counting of capital.

**Capital adequacy:** Because the draft legislation requires a company to maintain adequate capital in accordance with the regulations, they will set the minimum level of capital to be maintained and will specify the method by which capital adequacy is to be calculated.

**Ministerial approval for share acquisitions:** The draft legislation provides the Minister with the power of approval for share transfers that create or increase significant ownership interests in a company. The information required to be filed in connection with a request for ministerial approval, and the circumstances under which an exemption from the requirement to seek such approval may be sought, are to be prescribed by regulation.

**Restrictions on in-house securities activities:** A company will be able to deal directly in securities except to the extent prohibited or restricted by the regulations which will likely restrict the ability of a company to engage in the primary and secondary equities securities markets as well as in the primary corporate debt markets. However, these activities could be conducted through an affiliated securities



dealer. Trades for a company's own account would generally be exempt from these restrictions.

**Substantial share investments:** With prior approval, a company could acquire a substantial investment in another financial institution and a controlling interest in certain non-financial corporations. The terms and conditions to be set out in regulations relating to the ownership of such shares will likely be substantially the same as regulations and guidelines currently in force relating to subsidiary investments.

**Related party transactions:** Strict controls would be placed on transactions between a company and parties related to it. Regulations to authorize certain transactions with related parties that are not considered harmful but would otherwise be prohibited are contemplated.

**Anticipated Impact:** The proposed new legislation and related regulations will have a significant impact on Canadian financial institutions and their customers. The broadening of corporate business and investment powers will help promote the international competitiveness and domestic growth of Canadian financial institutions. These measures will also promote competition and innovation, enhancing the options available to Canadian consumers. Further, the protection of depositors, insurance-policy holders and shareholders will be enhanced by updating rules respecting corporate governance, auditing, related party transactions and conflicts of interest. The requirement that the Minister approve certain share transfers will ensure that federal financial institutions are owned by suitable persons.

**Statutory Authority:** The proposed regulations will be authorized by enabling legislation modelled after the Trust and Loan Companies Act Discussion Draft, expected within the coming year.

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

**Contact:** K. Adamsons, Acting Director, Legislative Planning, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.  
Tel. (613) 990-9960

**Designated provinces:** Since Ontario and Nova Scotia have enacted pension legislation similar to federal pension legislation, the regulations will be amended to include them as designated provinces.

**Solvency rules:** Some pension plans governed by collective agreements experiencing considerable difficulty in complying immediately with the new rules as a result of new solvency rules. Consequently, the regulations will be amended to provide a 15-year transition period to meet the new standards with respect to any solvency deficiency existing as of January 1, 1987, in the case of this type of plan.

**Eligibility to spousal benefits:** Eligibility of separated spouses to spousal benefits is a major source of dissatisfaction among plan members and employers. As a consequence, the regulations will be amended by adding a section providing that a separation of more than three years will end eligibility to spousal benefits.

**Fee increases:** The costs incurred by the Office in administering pension legislation are partially recovered from supervised plans. Amendments to the fee schedule are proposed in order to increase the amount to cover fully the cost of administering the act. The fee increase will not apply to pension plans with fewer than 1000 members.

**Remittance of contributions:** To enhance the Office's authority to deal with late remittance of pension plan contributions, the regulations will be amended to require financial institutions that receive monies from pension plans to inform the Superintendent of any non-remittance or late remittance of contributions of which they become aware.

**Investment rules:** The current regulations include qualitative rules that focus primarily on the soundness of individual investments and secondarily on the soundness of the total investment portfolio of the pension plan. Consistent with the federal government's intention to modernize investment rules applicable to financial institutions by moving to a "prudent portfolio" approach, it is proposed that the regulations be amended by removing the qualitative tests on individual investments and relying on general quantitative rules on the composition of a pension plan's portfolio. In this regard, the plan sponsor or administrator will be required to establish investment criteria both in accordance with the duty of prudence and consistent with the rules and objectives set forth in the contract governing the pension fund. In addition, the sponsor or administrator will be required to ensure compliance with the rules and criteria.

**Anticipated Impact:** Apart from the proposed change to the eligibility to spousal benefits affecting some plan members directly, and the proposed change to the fee structure affecting only the larger pension plans, other proposed changes to the regulations will affect pension plan trustees and managers in respect to their dealings with the Office

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## 604-OSFI

### PENSION BENEFITS STANDARDS

The Pension Benefits Standards Act, 1985, which received Royal Assent on June 27, 1986, sets standards for the registration of pension plans subject to federal supervision. The regulations made pursuant to that act provide additional specifications necessary to carry out the act's intent. Experience with the regulations has indicated that housekeeping as well as substantive changes are necessary. The more significant changes follow.

and the manner in which a plan's investment portfolio is managed. As a result of proposed changes to the investment rules, trustees and managers of pension plans will have greater flexibility in choosing individual investments, but will be required to adhere to new prudential guidelines governing the discharge of their duties in regard to a plan's investment portfolio.

*Statutory Authority:* Pension Benefits Standards Act, 1985, R.S.C. 1985, c. P-7, s. 39

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Cohen, Director General, Pension Benefits Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-8137

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#### 605-OSFI

### **SURPLUS STANDARDS FOR LIFE COMPANIES**

The proposed regulations will specify the rules to be followed in determining the minimum amount of capital and surplus that Canadian, British and foreign insurance companies must maintain on a continuing basis with respect to their life insurance, accident and sickness business in order to comply with the provisions of the federal insurance legislation.

*Anticipated Impact:* The proposed regulations will require each Canadian, British and foreign life insurance company transacting business in Canada to calculate its minimum continuing capital and surplus requirements in accordance with a detailed mathematical formula developed in conjunction with the Canadian Life and Health Insurance Association and to comply with that requirement. Compliance with similar standards will also be a requirement for membership in the new compensation corporation that the life insurance industry is establishing to protect policy holders in the event of a life insurance company failure. These new requirements should help to ensure that life insurance companies maintain satisfactory financial conditions and thus are able to meet their obligations to policy holders.

*Statutory authority:* Canadian and British Insurance Companies Act, R.S.C. 1985, c. I-12, ss. 82.3(1), p. 103(1)(a) & (C), ss. 127(2) and p. 128(1)(a) & (d); Foreign Insurance Companies Act, R.S.C. 1985, c. I-13, ss. 12(2) and p. 14(1)(a) & (d)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. McIsaac, Director General, Life Insurance Division, Office of the Superintendent of

Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-7613

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#### 606-OSFI

### **INVESTMENT VALUATION RULES FOR CANADIAN LIFE COMPANIES**

Proposed amendments to the existing investment valuation regulations for Canadian life companies will prescribe new valuation and accounting rules relating to real estate assets held in respect of the life insurance business of Canadian life insurance companies.

The new valuation and accounting rules are intended to make valuation real estate assets more uniform in contrast to the prevailing optional method of selective use of current appraised market value or depreciated historical cost of real estate parcels by companies; result in a more equitable distribution among generations of policy holders of the unrealized appreciation or depreciation on real estate held by companies; ensure that the capital gains and losses resulting from sale of real estate are brought into income over a period of time instead of being directly reflected in income and surplus in the year of disposal; and establish standards respecting the appraisal of real estate to bring about uniformity in the area of valuation requirements.

*Anticipated Impact:* The proposed amendments will affect the way in which Canadian life insurance companies account for real estate investments held in respect of their life insurance business in Canada. Under the proposed new rules, companies will be required to carry out real estate appraisals both in a specified cycle that cannot be varied and in accordance with standards that will be set for determining appraisal values and net realizable values. The proposed amendments will lead to a more equitable distribution of profits to the policy holders of Canadian life insurance companies and will also result in more uniform financial statement reporting within the industry.

*Statutory Authority:* Canadian and British Insurance Companies Act, R.S.C. 1985, c. I-12, ss. 71(6)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. McIsaac, Director General, Life Insurance Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-7613



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607-OSFI**BANK SERVICE CHARGES**

Changes to banking regulations respecting disclosure of information, customer notification and complaint handling procedures concerning both bank service charges and certain other charges relating to a customer's personal account, are being contemplated in response to recent public concerns. The proposed regulatory changes will define the responsibilities of banks to make consumers more aware of the charges relating to their personal account.

*Anticipated Impact:* The proposed changes will apply only to the chartered banks as competition in the marketplace will provide incentive for other financial institutions, such as trust companies, offering similar services, to comply as well. These regulatory initiatives will ensure that customers are able to make informed choices about the various types and costs of banking services available. They will also address the mechanisms that banks use to handle complaints from customers. The proposed changes will not increase materially the costs incurred by the Office in monitoring compliance with bank disclosure rules.

*Statutory Authority:* Bank Act, R.S.C. 1985, c. B-1, ss. 201(6) or s. 202.6 as amended by Bill C-140, which received first reading June 30, 1988, and Quebec Savings Banks Act, R.S.C. 1970, c. B-4, ss. 79(5)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. Murphy, Director, Communications and Public Affairs, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 993-0577

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608-OSFI**FINANCIAL INSTITUTIONS – SECURITIES ACTIVITIES**

Regulations imposing rules and procedures on federally regulated financial institutions with respect to the in-house securities activities in which they are permitted to engage under applicable federal legislation, are necessary to ensure uniform regulation of securities activities in Canada.

*Anticipated Impact:* The regulations will apply to banks and to federally regulated loan, trust and insurance companies as well as co-operative credit societies that engage in securities-related activities. The proposed rules governing such activities will likely parallel those that apply under provincial securities laws, to securities corporations or provincially-regulated financial institutions carrying

on comparable securities activities. Additional costs incurred in monitoring compliance with the proposed regulations will not be material.

*Statutory Authority:* Office of the Superintendent of Financial Institutions Act, S.C. 1987, c. 23, ss. 6(3)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* K. Adamsons, Acting Director, Legislative Planning Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-9960

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609-OSFI**EXCISE TAX ACT – DELEGATION OF POWERS**

To facilitate the administration of Part I of the Excise Tax Act, the Minister of Finance may, by way of regulation, authorize a designated officer or officer of a designated class of officers, to exercise powers or perform duties conferred on the Minister under the act. As a consequence of amendments to the Excise Tax Act, regulations are required to delegate certain powers conferred by the act on the Minister of Finance, to the Superintendent or such other officers of the Office as may be appropriate.

*Anticipated Impact:* The impact of the proposed regulations will be administrative.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, ss. 35(2)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Urquhart, Director, Finance and Administration, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-7536

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610-OSFI**BANK ACT – MINISTERIAL AND OTHER ORDERS**

Authority to issue a number of permissions and exemptions to banks and foreign banks by ministerial order and order in council is established in the Bank Act. A number of these orders is expected to be issued in 1989 upon the application of banks and foreign banks. Most orders will be made pursuant to provisions relating to the deemed authorized capital of a bank. It is not possible to determine the exact number of orders that may be issued.

*Anticipated Impact:* The permissions and exemptions accorded to banks are part of an ongoing process of routine supervisory control. The anticipated impact on the economy or society is

ancillary to the primary impact on the banks and is not considered to be of material significance to the general public.

*Statutory Authority:* Bank Act, R.S.C. 1985, c. B-1, ss. 174(6)

*Expected Date of Publication:* As required

*Contact:* A. Brossard, Director, Rulings Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-7805

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#### 611-OSFI

#### **SUPERVISION OF FINANCIAL INSTITUTIONS – MISCELLANEOUS**

The Governor in Council has, from time to time, made regulations pursuant to authority contained in the Office of the Superintendent of Financial Institutions Act and the various other statutes administered by the Office. These regulations deal primarily with matters pertaining to the supervision of financial institutions. It is possible that during 1989, minor changes to some of these regulations will be necessary to clarify their intent and purpose, to correct ambiguities or discrepancies or to delete obsolete provisions. The nature and number of these changes cannot be predicted.

*Anticipated Impact:* The amendments that may be necessary will have no material effect on regulated financial institutions or the general public, because they are minor.

*Statutory Authority:* Bank Act, R.S.C. 1985, c. B 1; Canadian and British Insurance Companies Act, R.S.C. 1985, c. I-12; Civil Service Insurance Act, R.S.C. 1952, c. 49; Co-operative Credit Associations Act, R.S.C. 1985, c. C-41; Excise Tax Act – Part I, R.S.C. 1985, c. E-15; Foreign Insurance Companies Act, R.S.C. 1985, c. I-13; Investment Companies Act, R.S.C. 1985, c. I-22; Loan Companies Act, R.S.C. 1985, c. L-12; Office of the Superintendent of Financial Institutions Act, S.C. 1987, c. 23; Pension Benefits Standards Act, 1985, R.S.C. 1985, c. P-7; Quebec Savings Bank Act, R.S.C. 1970, c. B-4; Trust Companies Act, R.S.C. 1985, c. T-20

*Expected Date of Publication:* As required

*Contact:* K. Adamsons, Acting Director, Legislative Planning Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-9960





# PUBLIC WORKS CANADA

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DRY DOCKS: LAUZON, QUEBEC; SELKIRK, MANITOBA;  
ESQUIMALT, BRITISH COLUMBIA – RATE REVISIONS . . . . .612-PWC





## Roles and Responsibilities

Public Works Canada attends to the government's general purpose and shared-use real-property needs and offers, on a business basis, expert advice and services in the provision, management, operation and disposal of federal real property to government departments, institutions, agencies and Crown corporations, while contributing to the achievement of the government's social, economic and environmental objectives.

The Department's primary role is that of a common service organization in the provision of accommodation, and other realty services, within the requirements of legislation, policies and directives of the Treasury Board of Canada or other appropriate authorities.

The Minister of Public Works Canada is responsible for the Canada Mortgage and Housing Corporation and the National Capital Commission.

## Legislative Mandate

The Public Works Act  
The Bridges Act  
The Dry Docks Subsidies Act  
The Government Harbours and Piers Act  
The Government Property Traffic Act  
The Government Works Tolls Act  
The Kingsmere Park Act  
The Laurier House Act  
The Municipal Grants Act  
The Official Residences Act  
Act Respecting Certain Works on the Ottawa River  
The Trans-Canada Highway Act  
The Defence Production Act

## Administrative Arrangements

The Expropriation Act  
The Surplus Crown Assets Act  
The Public Lands Grants Act  
Public Works Health Act

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### 612-PWC

#### **DRY DOCKS: LAUZON, QUEBEC; SELKIRK, MANITOBA; ESQUIMALT, BRITISH COLUMBIA – RATE REVISIONS**

The Department of Public Works owns and operates dry dock facilities at Lauzon, Quebec, at Selkirk, Manitoba, and at Esquimalt, British Columbia. The Department was directed by Cabinet, on June 26, 1986, to recover operating costs to the dry docks by increasing rates. The Department is reviewing and revising the rates for 1989.

*Anticipated Impact:* Although the industry has been advised that the rates are to be reviewed and amended annually in order for the federal government to recover operating costs, an increase in rates will always create some concern among users.

*Statutory Authority:* Public Works Act, R.S.C. 1985, c. P-38, ss. 24 and 28

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Lajoie, Chief, Marine and Land Transportation Programs, Accommodation Branch, Public Works Canada, Sir Charles Tupper Building, Ottawa, Ontario, K1A 0M2. Tel. (613) 998-9736





# REVENUE CANADA, CUSTOMS AND EXCISE

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## Roles and Responsibilities

The responsibilities of the Department of National Revenue, Customs and Excise, can be simply stated: to control, for the protection of Canadian industry and society, the movement of people and goods entering or leaving Canada; to protect Canadian industry from real or potential injury caused by the actual or contemplated importation of dumped or subsidized goods, as well as by other forms of unfair foreign competition; and to ensure that all duties, taxes and other relevant charges and levies are assessed, collected and, where appropriate, refunded.

Because the Department of Finance sets taxes and tariffs (with Parliament's approval) and National Revenue collects them, there is a very close working relationship between Finance and National Revenue.

Customs is primarily concerned with processing and assessing people, goods and conveyances entering into customs control and permitting only those qualified to proceed into or leave from Canada. All imported goods are assessed, and revenues owed to the government are collected. Other responsibilities include the post-importation review of customs transactions, the reviewing, approving and refunding of all qualifying claims for drawbacks, refunds and remissions, promotion of compliance with the legislation and the investigation and resolution of non-compliance. The Department also issues preliminary opinions, administrative policies and guidelines relating to value for duty, tariff classification and relief, seizure actions and suspected injurious dumping and subsidization in order to advise the public of those matters by which it may be affected. Appeals from decisions made under the Customs Act with respect to tariff classification and value for duty are dealt with by the Department in accordance with the procedures set out in the legislation.

Pursuant to the Excise Act, Excise identifies and licenses eligible taxpayers, mainly as manufacturers and wholesalers. Claims for refunds of sales and excise taxes are processed and any overpayments or underpayments of taxes imposed by the excise legislation are detected and corrected through the selective audit of licensed taxpayers and special investigations. Appeals of decisions made under the Excise Tax Act with respect to classification, tax status or valuation are dealt with by the Department in accordance with procedures set out in the legislation.

## Legislative Mandate

The following legislation is administered by the Department of National Revenue, Customs and Excise:

- Customs Act
- Customs and Excise Offshore Application Act
- Customs Tariff
- Department of National Revenue Act
- Excise Act
- Excise Tax Act
- Softwood Lumber Products Export Charge Act
- Special Import Measures Act

Customs and Excise is also concerned with 69 other acts of Parliament prohibiting, controlling or otherwise regulating the international movement of people and the importation or exportation of goods. This legislation comes under the authority of other federal departments and agencies, but Customs and Excise is involved in the administration and enforcement of at least parts of these acts.

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### 613-RC:CE

#### ACCOUNTING FOR IMPORTED GOODS AND PAYMENT OF DUTIES REGULATIONS

The Department has received representations from certain members of the importing community concerning the deadlines for payment of customs duties after the release of goods from customs control and is currently considering amendment to the regulations. In addition, the amendments to sections 3, 4, 6 and 9 of these regulations will permit importers and brokers to transmit interim accounting data electronically (release data), under the release system, to customs offices.

*Anticipated Impact:* An amendment to the regulations governing an extension of deadlines may have the effect of slowing the receipt of cash revenue deposited into the consolidated revenue fund. However, it will bring the payment of customs duties into line with the needs and practices of the business community. The other amendments pertaining to the transmission of interim accounting data will have a positive effect as members of the importing and brokerage community will be able to transmit release data electronically and thus reduce paper burden.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 32 and 33

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 614-RC:CE

### ACCOUNTING FOR IMPORTED GOODS AND PAYMENT OF DUTIES REGULATIONS

Amendments are planned to the security provisions of the following regulatory instruments: Accounting for Imported Goods and Payment of Duties Regulations; Customs Brokers Licensing Regulations; Customs Bonded Warehouse Regulations; Customs Suffrance Warehouse Regulations; Duty-Free Shop Regulations; Special Services Regulations; Display Goods Temporary Importation Regulations; Commercial Samples Remission Order; Foreign Organizations Remission Order. Section 166 of the Customs Act contains the authority to make regulations prescribing the amount or authorizing the Minister to determine the amount of security required under the act or regulations. The above regulations will be amended to clarify the provisions respecting the amount of security required. Further, the Department wishes to expand the regulations to allow acceptance of bonds from credit unions, trust companies and certain other financial institutions. Finally, discrepancies concerning security-related issues as identified by the Standing Joint Committee for the Scrutiny of Regulations, will be addressed.

*Anticipated Impact:* These amendments will establish a reasonable ceiling on security amounts, provide added flexibility and reduce costs to both the importing community and bonding companies, and will be viewed favourably by those financial institutions currently excluded by the regulations.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 166; Customs Tariff, S.C. 1987, c. 49, Note 14 to Chapter 98 of Schedule I; Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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For information concerning security amounts: L.J. Klump, Director, Licensing Division, Department of National Revenue, Customs and Excise, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7191

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#### 615-RC:CE

### AUTOMOTIVE MACHINERY AND EQUIPMENT REMISSION ORDERS

Approximately 12 orders each year are recommended by the Machinery and Equipment Advisory Board for the remission of customs duties and sales tax paid or payable on machinery and equipment for use in the manufacture of original automotive equipment parts and accessories where such machinery and equipment are not available from Canadian production within the necessary time to meet the applicants' production schedules.

*Anticipated Impact:* These orders will grant to specified companies, remission of specific amounts of customs duties and sales tax paid or payable on imported machinery and equipment not available from Canadian production but needed to manufacture original equipment parts and accessories for automobiles. They will, therefore, provide a significant industrial development incentive.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11 as amended, s. 23; Customs Tariff, S.C. 1987, c. 49, s. 101

*Expected Date of Publication:* Throughout the year, as required

*Contact:* W.D. Greene, Senior Assistant Secretary, Machinery and Equipment Advisory Board, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7103

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#### 616-RC:CE

### CANADIAN COMMERCIAL CORPORATION GOODS EXPORTED DRAWBACK REGULATIONS

These regulations set out the conditions under which a drawback of the customs duties and sales tax may be paid respecting Canadian Commercial Corporation purchases for export. In response to requests from Canadian organizations and associations, the regulations may be amended following a study of the representations.

*Anticipated Impact:* The amendments will have a positive impact as they will remove any ambiguity that may have existed regarding application of the regulations.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 82(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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617-RC:CE

**CANADIAN INTERNATIONAL DEVELOPMENT  
AGENCY GOODS REMISSION ORDER**

This order sets out the conditions under which a drawback of customs duties and sales tax may be paid on goods purchased in Canada that are financed by the Canadian International Development Agency and are for export. In response to requests from Canadian organizations and associations, this order may be amended after a study of the representations has been completed.

*Anticipated Impact:* The amendments will have a positive impact as they will remove any ambiguity that may have existed regarding application of the order.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 23, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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619-RC:CE

**CUSTOMS BONDED WAREHOUSE  
REGULATIONS**

These regulations set out the circumstances in which licences for bonded warehouses may be issued, amended, suspended, cancelled or reinstated, the terms and conditions under which licences may be issued and standards for the operation of bonded warehouses. For the most part, the proposed amendments will consist of modifications suggested by the Standing Joint Committee for the Scrutiny of Regulations. An amendment to section 5(2) may also be required in order to adjust the fee schedule to reflect accurately cost recovery.

*Anticipated Impact:* These amendments will have a positive impact as they will clarify the regulations.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, s. 30, 37(1), 164 and 166

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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618-RC:CE

**CANADIAN MANUFACTURED GOODS  
EXPORTED DRAWBACK REGULATIONS**

These regulations set out the conditions under which a drawback of customs duties and sales tax may be paid in respect of certain goods manufactured or produced in Canada and exported. In response to requests from Canadian organizations and associations, the regulations may be amended following completion of a study of the representations.

*Anticipated Impact:* The amendments will have a positive impact as they will remove any ambiguity that may have existed regarding application of the regulations.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 82(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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620-RC:CE

**CUSTOMS BROKERS LICENSING  
REGULATIONS**

The Customs Brokers Licensing Regulations set out the procedures to be followed when applying for a licence and the conditions under which a customs broker must operate. As part of the government's regulatory reform projects, it is proposed to improve the licensing program by implementing a self-regulation scheme, whereby a private body would qualify licensed customs brokers. The Customs Brokers Licensing Regulations will be further amended to address the status of qualified persons, detail disciplinary measures and the cancellation of licences as well as remove the schedule (list of customs offices where there are no customs brokers) from the regulations.

*Anticipated Impact:* These amendments will have a positive impact as they will clarify the customs broker's role and implement an improved system.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 9



*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 621-RC:CE

### **CUSTOMS BUILDINGS, ACCOMMODATIONS AND FACILITIES STANDARDS REGULATIONS**

Section 6 of the Customs Act was amended on June 30, 1987, to allow the making of regulations to determine what constitutes adequate buildings, accommodations or other facilities, based on the Canada Labour Code, for the proper detention and examination of imported goods or proper search of persons by customs officers. The adequacy of facilities provided to Customs at international border crossings has been a serious concern for some time. Although minor renovations have been made over the years, the Department has been unsuccessful in effecting major changes at certain facilities where traffic volumes have increased or facilities have deteriorated. Health and safety concerns have been raised over adequate air quality, temperature control, pedestrian safety and protection of booths from truck traffic.

*Anticipated Impact:* The public should view the regulations favourably as customs facilities will be upgraded to meet health and safety standards. However, the owners and operators of such facilities will incur costs for such improvements in accordance with section 6 of the act.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 6

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 622-RC:CE

### **CUSTOMS SUFFERANCE WAREHOUSE REGULATIONS**

The Customs Sufferance Warehouse Regulations set out the circumstances in which licences for sufferance warehouses may be issued, amended, suspended, cancelled or reinstated, the terms and

conditions on which licences may be issued as well as standards for the operation of sufferance warehouses. As part of the government's regulatory reform projects, the licensing policy for sufferance warehouses will be reviewed. Amendments are also being proposed in response to comments from the Standing Joint Committee for the Scrutiny of Regulations, although most of the changes are to ensure the agreement of the French and English versions of certain sections. Other amendments will deal with the notification to operators in cases of suspension of a licence and their recourse in those instances, as well as certain aspects of the services provided by the warehouse operators. In addition, references to reasonable charges and to specific elements otherwise covered in the schedule will be deleted.

*Anticipated Impact:* These amendments will have a positive impact as they will clarify the regulations and provide a recourse to the licensee in the event of suspension.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, s. 30, 37(1), 164 and 166

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 623-RC:CE

### **DIPLOMATIC AND CONSULAR DUTIES EXEMPTION ORDER**

Currently, exemptions from duties (customs duties, sales and excise taxes and excise duties) are granted on certain goods imported for the official use of diplomats and their families, a consular post, staff of a diplomatic mission and career consular employees and their families. These exemptions are granted pursuant to the Diplomatic and Consular Privileges and Immunities Act through provisions in the Customs Tariff, the Excise Tax Act, the Customs Diplomatic Privileges Regulations, the Diplomatic Motor Vehicle Diversion Remission Order, and the Diplomatic (Excise Taxes) Remission Order. The Diplomatic and Consular Duties Exemption Order, to be made pursuant to the Diplomatic and Consular Privileges Immunities Act, will consolidate the various existing regulations and orders, replace outdated terminology, delete redundant provisions, clarify certain ambiguous designations used to describe consular employees and address various other legal issues.

*Anticipated Impact:* Given that the order will be a consolidation of current exemptions on goods imported for the use of diplomatic missions and

consular posts, the members of the mission or consular posts and the families of the members, the only expected impact will be a simplification of administrative procedures.

**Statutory Authority:** Diplomatic and Consular Privileges and Immunities Act, S.C. 1976-77, c. 31, s. 4; Customs Tariff, S.C. 1987, c. 49, Schedule I, tariff item 9808.00.00

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 624-RC:CE

### **DRAWBACK CLAIMS REMISSION ORDER**

On an annual basis, a remission order is prepared remitting customs duties paid on imported goods that are the subject of a drawback claim. The order is within the general spirit of the criteria established in 1965 according to which the Department is willing to pay claims presented beyond the time limits specified in drawback regulations. Generally, the order applies to a new company or an existing one not previously engaged in export trade; a company that has manufactured articles in fulfillment of an export order but has been instructed by the foreign purchaser to withhold shipment until a later date; or a company whose records have been seized by a legal authority.

**Anticipated Impact:** This order will allow the Department to pay a drawback to Canadian companies that, because of circumstances beyond their control, could not file drawback claims within the prescribed time limit.

**Statutory Authority:** Customs Tariff, S.C. 1987, c. 49, s. 101

**Expected Date of Publication:** Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 625-RC:CE

### **GOODS FOR SHIPS AND AIRCRAFT DRAWBACK REGULATIONS**

These regulations set out the conditions under which a drawback of customs duties and sales tax may be paid to suppliers of goods to ships and aircraft. In response to requests from Canadian organizations and associations, the regulations may be amended after a study of the representations has been completed.

**Anticipated Impact:** The amendments will have a positive impact as they will remove any ambiguity that may have existed regarding application of the regulations.

**Statutory Authority:** Customs Act, S.C. 1986, c. 1, as amended, s. 82(1)

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 626-RC:CE

### **INTERNATIONAL COMMERCIAL TRANSPORTATION (TARIFF ITEM 9801.00.00) REGULATIONS**

These regulations consist of four separate regulations, setting out the terms and conditions under which foreign-based vessels, aircraft, highway vehicles and cargo containers used in international commercial service may be imported into Canada. The regulations also specify the use that may be made of such conveyances within Canada.

**Anticipated Impact:** These regulations will have a positive impact as they will facilitate the importation into Canada of commercial conveyances in international service. The limited domestic use permitted under the regulations will reduce the distances that conveyances must cover without a load and, consequently, reduce costs currently being incurred by the industry.

**Statutory Authority:** Customs Tariff, S.C. 1987, c. 49, tariff item 9801.00.00

**Expected Date of Publication:** Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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**627-RC:CE****JOINT CANADA-UNITED STATES PROJECTS  
DRAWBACK REGULATIONS**

These regulations set out the conditions under which a drawback of customs duties and sales tax may be paid in respect of goods and material for use in joint Canada-United States projects. In response to requests from Canadian organizations and associations, these regulations may be amended after a study of the representations has been completed.

*Anticipated Impact:* The amendments will have a positive impact as they will remove any ambiguity that may have existed in the application of the regulations.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 82(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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**628-RC:CE****MOTOR VEHICLES EXPORTED DRAWBACK  
REGULATIONS**

These regulations set out the conditions under which a drawback of the customs duties and sales tax may be paid in respect of new motor vehicles purchased and used temporarily in Canada, before exportation. In response to requests from Canadian organizations and associations, these regulations may be amended after a study of the representations has been completed.

*Anticipated Impact:* The amendments will have a positive impact as they will remove any ambiguity that may have existed regarding application of the regulations.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 82(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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**629-RC:CE****OBSCURED ALCOHOL CONTENT  
REGULATIONS**

Under the Customs Act, the Minister has the authority to prescribe the procedures to be followed when measuring the alcoholic content of imported wines, spirits or alcoholic liquors. These new regulations will set forth the methods for ascertaining the volume and strength of absolute ethyl-alcohol in obscured wines, spirits and alcoholic liquors which can be measured by pycnometry, distillation or dissolved-solids-content analysis. Regulations are expected to be in effect by July 1, 1989.

*Anticipated Impact:* These regulations will reflect the current departmental practice to ascertain alcoholic content of obscured wines, spirits and alcoholic liquors. Such regulations will provide the Department and importers of beverage alcohol with a firm set of procedures and guidelines to apply in all instances.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 164(1)(g)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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**630-RC:CE****OFFICERS AUTHORIZED TO EXERCISE THE  
POWERS OR PERFORM THE DUTIES OF THE  
MINISTER OF NATIONAL REVENUE  
REGULATIONS**

The regulations currently stipulate those officers authorized to exercise the powers or perform the duties of the Minister of National Revenue. Because certain facets of the Department have been re-organized, and the titles of certain positions are now obsolete, the regulations will be amended to be consistent with the new structure.

*Anticipated Impact:* The amendments affect only the internal operations of the Department. There will be no impact on the public.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 164(1)(a)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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631-RC:CE

#### **REMISSION ORDERS (INTERDEPARTMENTAL REMISSION COMMITTEE)**

On the recommendation of the Interdepartmental Remission Committee, which comprises permanent representatives of the departments of Finance, National Revenue, Customs and Excise and Regional Industrial Expansion, the Minister of National Revenue will sponsor an estimated 16 orders to remit the customs duties and sales tax paid or payable on goods imported into Canada.

*Anticipated Impact:* These orders will be proposed by the Interdepartmental Remission Committee to rectify anomalies or inequities in the tariff structure or to provide needed assistance to Canadian manufacturers who are experiencing difficulties competing with imported goods. In its deliberations, the Interdepartmental Remission Committee will consult with Canadian manufacturers and producers to ensure the proposed orders do not adversely affect Canadian industry.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23; Duties Relief Act, S.C. 1986, c. 29, as amended, s. 37; or Customs Tariff, S.C. 1987, c. 49, s. 101

*Expected Date of Publication:* Various

*Contact:* D. Steadman, Secretary, Interdepartmental Remission Committee, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6878

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632-RC:CE

#### **REPORTING OF IMPORTED GOODS REGULATIONS**

The amendments to sections 3, 5 and 12 of these regulations will allow carriers to transmit required cargo data electronically, under the cargo control system, to customs offices.

*Anticipated Impact:* These amendments will have a positive impact as carriers will be able to transmit cargo data electronically, reducing paper burden.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 12

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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633-RC:CE

#### **SPECIAL SERVICES (CUSTOMS) REGULATIONS**

Pursuant to the Customs Act, regulations may be made prescribing charges for the performance of special services. To obtain a more consistent and equitable application of the Special Services (Customs) Regulations, the following amendments will be proposed: specific references to modes of transport and customs facilities will be added to further define the scope of special services; a revised schedule of special-service charges tied to the cost of providing special services will be established; the special-service charge schedule will be reviewed annually to ensure that the charges are equitable; certain costs to be paid will be determined legally and will be linked to the rates formally authorized by Treasury Board; a provision will be included concerning the assessment and collection of special-service charges from an agent for the person in charge of goods being imported or exported; and a provision will stipulate that a bond, other than a Government of Canada Bond, to provide security for special-service charges will be accepted. Furthermore, definitions providing for clarification as to what special services consist of and who is entitled to request those services, will be added.

*Anticipated Impact:* The revenue generated by a special-service charge schedule tied to the cost of providing the actual service is not yet known. The other amendments will be viewed positively by the importing community and departmental personnel as they will help define the charges and costs to be paid when special services are provided. An alternative security mechanism and the involvement of agents will also help in the provision of special services. The proposals will be the subject of consultations with the Canadian Association of Customs Brokers, the Canadian Importers Association and other affected parties.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 164(1)(i), 166 and 167

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*



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**634-RC:CE****SQUIBB CANADA INC. REMISSION ORDER**

The purpose of this order is to remit a portion of the customs duties paid by Squibb Canada Inc. on Duoderm Flexible Hydroactive Dressings imported under Lacolle, P.Q., Customs Entry No. H112185, dated December 28, 1984.

*Anticipated Impact:* This remission order will grant the remission of customs duties on Duoderm Flexible Hydroactive Dressings paid under tariff item 23600-1, but which should have been classified as medicinal preparations under tariff item 22001-1, in accordance with the decision of the Tariff Board in Appeal No. 2261, dated October 16, 1986. There is no other anticipated impact.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 23

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* T. Kobolak, Tariff Administrator, Policy Unit A, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6907

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**635-RC:CE****STORAGE OF GOODS REGULATIONS**

In the enforcement of the provisions of legislation governing the import and export of goods, Customs arranges for the storage and disposal of controlled goods that have been abandoned, unclaimed and forfeited to the Crown. While the Customs Act and relevant regulations refer to the party who will be liable for storage and disposal costs for goods subject to import controls, there is no such provision for goods subject to export controls. Therefore, the Department will amend the regulations in order to establish clearly the liability of the exporter for storage and disposal of goods subject to export controls.

*Anticipated Impact:* The amendment will ensure equal treatment of importers and exporters. It will have no impact on the importing industry, but the exporting industry may have some negative reactions. The Department will canvass concerned groups for their comments.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 19, 37, 38, 39, 102 and 164

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* M. Pacelli, Chief, Export Control, Department of National Revenue, Customs and Excise, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7140

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**636-RC:CE****TEMPORARY IMPORTATION OF VESSELS REMISSION ORDERS**

These remission orders will, retroactively, grant a remission of customs duties and excise taxes on vessels which have been temporarily imported into Canada. The instruments consist of periodic orders that remit duty and tax on a 1/120 basis and special vessel-specific orders which remit greater amounts up to and including, full remission. These remissions are only granted where it has been demonstrated that there are no suitable Canadian-built or duty-paid vessels available to undertake a specific function.

*Anticipated Impact:* These orders have a positive impact on the industry and economy of Canada as failure to grant the remission would prevent the performance of the work in question.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23

*Expected Date of Publication:* Throughout the year, as required

*Contact:* D.L. Western, Chief, Carrier Control, Licensing Division, Customs Operations Branch, Department of National Revenue, Customs and Excise, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7198

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**637-RC:CE****TEMPORARY IMPORTATION REGULATIONS**

These regulations authorize the remission of the whole, or such portion as is prescribed, of the duties paid or payable on certain imported goods that are required temporarily in Canada. They will consolidate the various existing remission orders and regulations granting relief from the imposition of duties, and will streamline the administrative procedures for many goods imported on a temporary basis.

*Anticipated Impact:* The regulations will be viewed favourably by the public as they will reduce paper burden and prevent importers' financial resources from being tied up for lengthy periods.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, s. 95

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Hotchkiss, Acting Head, Remission Policy Unit, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6883

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#### 638-RC:CE

### TEMPORARY IMPORTATION REMISSION ORDERS

These orders will retroactively grant remission of the whole or such portion as is prescribed, of the customs duties and sales tax paid or payable on certain imported goods that are required temporarily in Canada.

*Anticipated Impact:* These orders will allow the industry to produce goods and provide services in a cost-effective and efficient manner. They will also reduce the administrative and financial burden facing the manufacturers and the Department by removing the requirement to obtain legislative authority for individual cases.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23

*Expected Date of Publication:* Throughout the year, as required

*Contact:* D. Hotchkiss, Acting Head, Remission Policy Unit, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6883

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#### 639-RC:CE

### TRANSPORTATION OF GOODS REGULATIONS

These regulations set out the circumstances under which goods that have been imported but not released, may be transported within Canada. The amendment of section 7 of these regulations will permit carriers transmitting cargo data to keep their cargo records on magnetic tape or in disk format rather than on paper. Other proposed amendments will introduce more specific criteria for the authorization of bonded carriers and conversely, criteria for

the suspension or cancellation of bonded carrier privileges.

*Anticipated Impact:* The amendment pertaining to cargo records will have a positive effect as carriers will be able to keep cargo data electronically, thus reducing paper burden. The amendments pertaining to the authorization of bonded carriers will provide Customs with the means to ensure the compliance of bonded carriers as well as the ability to suspend or cancel bonded carrier authorities for failure to comply with the regulations. This will have minimal impact on the public and the industry.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 20, 22, 164 and 166

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* E.D. Warren, Director General, Commercial Operations Directorate, Department of National Revenue, Customs and Excise, 17th Floor, Sir Richard Scott Building, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7190

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#### 640-RC:CE

### UNOBSCURED ALCOHOL CONTENT REGULATIONS

Under the Customs Act, the Minister has the authority to prescribe the procedures to be followed when measuring the alcoholic content of imported wines, spirits or alcoholic liquors. These new regulations will set forth the methods for ascertaining the volume and strength of absolute ethyl-alcohol in unobscured wines, spirits and alcoholic liquors which can be measured by hydrometry. It is expected that the regulations will be in effect by April 1, 1989.

*Anticipated Impact:* These regulations reflect the current departmental practice for ascertaining alcoholic content of unobscured wines, spirits and alcoholic liquors. Such regulations will provide the Department and importers of beverage alcohol with a firm set of procedures and guidelines that will apply in all instances.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, s. 164(1)(g)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* T. Kobolak, Tariff Administrator, Policy Unit A, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6907



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641-RC:CE**USED MOTOR VEHICLE EXEMPTION REGULATIONS**

These regulations exempt used or second-hand motor vehicles from the prohibitory terms of Code 9963 of the Customs Tariff, which prohibits the importation of used or second-hand motor vehicles manufactured prior to the calendar year in which importation is sought. Requests made by individuals wishing to import the vehicles are reviewed by departmental officials on a case-by-case basis. Because of special circumstances surrounding each case, the Minister may recommend that the vehicles be exempt from the prohibition where they are not already exempted by the existing Used or Second-Hand Motor Vehicle Regulations.

*Anticipated Impact:* Because the number of vehicles exempted from the prohibition each year is relatively small, there will be no impact on either the Canadian new or used motor-vehicle industries.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, Schedule VII, code 9963

*Expected Date of Publication:* Throughout the year, as required

*Contact:* S. Kovacs, Tariff Administrator, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6938

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642-RC:CE**USED OR SECOND-HAND MOTOR VEHICLE REGULATIONS**

Currently, used or second-hand motor vehicles that are manufactured prior to the calendar year in which importation is sought, are prohibited from import into Canada. These amendments to the regulations will provide an exemption to the prohibition for Canadian residents who go abroad and purchase new vehicles for their personal or household use, but do not import these vehicles during the calendar year in which they were purchased. It is expected that these amendments will be in effect by mid-1989.

*Anticipated Impact:* This change will be viewed positively by the public. By eliminating the arbitrary deadline of December 31 for importation, it will ensure equal treatment to Canadian residents who purchase new vehicles while abroad. Because it is anticipated that the number of vehicles exempted from the prohibition by this change will be relatively small, there will be no impact on either the Canadian new or used motor-vehicle industries.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, Schedule VII, code 9963

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S. Kovacs, Tariff Administrator, Tariff Programs, Department of National Revenue, Customs and Excise, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6938

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643-RC:CE**BREWERY REGULATIONS**

Currently, tobacco and spirits, other than beer, are sold free of duties and excise taxes through duty-free shops only to accredited representatives of other countries. Amendments to the regulations will allow a brewer to sell beer, on a basis equal to that of spirits and tobacco, to representatives of those countries that offer reciprocal arrangements.

*Anticipated Impact:* The amendments will ensure equal treatment of the sale or distribution of beer, spirits and tobacco. Because of the low excise duty imposed on beer, compared to spirits and tobacco, and the relatively low volume of beer that is expected to be sold in duty-free shops, it is anticipated that the amendment will have a minimal impact on revenue.

*Statutory Authority:* Excise Act, R.S.C. 1985, c. E-14, as amended, s. 175

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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644-RC:CE**DELEGATION OF POWERS REGULATIONS**

Ministerial powers and functions are delegated by regulation to individuals identified by their position titles. These regulations will be amended to reflect changes in the Excise organizational structure.

*Anticipated Impact:* The proposed regulations will have no impact on the public or the Canadian industry.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 35(2)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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645-RC:CE

**MOTOR VEHICLES EXPORTED (EXCISE)  
DRAWBACK REGULATIONS**

A recent amendment to the Excise Tax Act authorizes the creation of regulations governing drawback of taxes imposed under parts III, IV or V of the act if the vehicles are exported from Canada. Previously, the regulation-making authority for a drawback of both the customs duties and taxes was provided jointly by the former Customs Act and the Excise Tax Act. The regulations to be made under the amended Excise Tax Act will set out the conditions that must be met before a taxpayer who has purchased a motor vehicle in Canada and then exported it, will qualify for a drawback of the sales and excise taxes paid.

*Anticipated Impact:* As the conditions under which a drawback of excise and sales taxes on exported motor vehicles will be paid existed previously, albeit under two separate acts, the anticipated impact is minimal.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 35(l) and 46(l)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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646-RC:CE

**REASONABLE AMOUNT REGULATIONS**

The Excise Tax Act has been amended to provide for the imposition of a Telecommunication Programming Services Tax on a value (reasonable amount) in those instances where transactions occur under non-arm's-length conditions. The Reasonable Amount Regulations will set out the method to be followed for the determination of a reasonable amount.

*Anticipated Impact:* These regulations will be viewed favourably as they set out detailed methods for taxpayers to compute a reasonable amount value for telecommunication programming services provided under non-arm's-length conditions.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 19.2(b)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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647-RC:CE

**REASONABLE CHARGE REGULATIONS**

The Excise Tax Act has been amended to provide for the imposition of a Telecommunication Services Tax on a value (reasonable charge) in those instances where transactions occur under non-arm's-length conditions. The Reasonable Charge Regulations will set out the method to be followed for the determination of a reasonable amount.

*Anticipated Impact:* These regulations will be viewed favourably as they set out detailed methods for taxpayers to compute a reasonable charge value for telecommunication services provided under non-arm's-length conditions.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 19.34

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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648-RC:CE

**REASONABLE SALE PRICE REGULATIONS**

The Excise Tax Act has been amended to provide for the imposition of tax(es) on a value equal to the fair market value (reasonable sale price) in those instances where transactions occur under non-arm's-length conditions. The Reasonable Sale Price Regulations will set out the method to be followed for the determination of a fair market value.

*Anticipated Impact:* These regulations will be viewed favourably as they set out detailed methods for taxpayers to compute a value equal to a fair market value when selling their manufactured goods under non-arm's-length conditions.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 35(2.4)



*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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649-RC:CE

### **REGISTERED VENDOR CERTIFICATE REGULATIONS**

The Ways and Means Motion of December 14, 1987, has extended the expiry date relative to the retention period of documents provided by purchasers at the time of sale of gasoline or diesel fuel. Also, the Ways and Means Motion has extended the expiry date of all registered vendor certificates in circulation. The regulations will be amended to reflect these extensions.

*Anticipated Impact:* The amendment to the regulations will have a positive impact as it will allow registered vendors to use their certificates until December 31, 1989.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 45(10)(e)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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650-RC:CE

### **SALES TAX BULK PERMIT REGULATIONS**

The Ways and Means Motion of December 14, 1987, has extended the expiry date of the program relative to the validity of bulk permits for fuel tax rebate purposes. The regulations will be amended to reflect this extension.

*Anticipated Impact:* The amendment to the regulations will have a positive impact as it will allow bulk permit holders to use their permits until December 31, 1989.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, as amended, s. 45(10)(a)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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651-RC:CE

### **SMALL MANUFACTURERS OR PRODUCERS EXEMPTION REGULATIONS**

These regulations exempt certain classes of small manufacturers and producers from payment of consumption or sales tax on goods manufactured by them in the operations referred to in the regulations. As a result of representations made by the Canadian Craft Council, the Department will be amending these regulations to extend the exemption to include incorporated craftspersons and also to broaden the definition of the term "hand tools."

*Anticipated Impact:* The amendment to the regulations will have a positive impact as it will then include incorporated individuals in the scope of the exemption and also will modify the definition of the term "hand tools" in order to recognize modern technology. As a result, more persons will benefit from the exemption although the impact on revenue will be minimal.

*Statutory Authority:* Excise Tax Act, R.S.C. 1985, c. E-15, s. 31(2)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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652-RC:CE

### **SPECIAL SERVICES (EXCISE) REGULATIONS**

As currently worded, the regulations may be interpreted as suggesting that the Governor in Council's regulation-making authority with regard to special excise services has been delegated to the Deputy Minister. These regulations will be amended to remove any such ambiguity.

*Anticipated Impact:* The amendment will have no impact on the industry or the public.

*Statutory Authority:* Excise Act, R.S.C. 1985, c. E-14, as amended, s. 125

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7926

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653-RC:CE

### **CUSTOMS DUTIES AND SALES TAX REMISSION ORDERS**

Throughout the year, circumstances may demand that remission orders be made to remit to importers all or part of customs duties and sales tax paid or payable on imported goods in order to provide equity of treatment between importers. As these remission orders are contingent upon unforeseen administrative and legislative circumstances, their numbers cannot be predicted.

*Anticipated Impact:* These remission orders usually have minimal impact on revenue and are viewed favourably by the importing public as a means of redressing inequitable situations. However, as their nature and number are unknown in advance, their precise impact cannot be assessed.

*Statutory Authority:* Customs Tariff, S.C. 1987, c. 49, s.101; Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23

*Expected Date of Publication:* Throughout the year, as required

*Contact:* C. Ouimet, Director, Legislative Affairs, Department of National Revenue, Customs and Excise, 3rd Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6950

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654-RC:CE

### **AMENDMENTS TO REGULATIONS AND ORDERS PURSUANT TO CUSTOMS AND EXCISE LEGISLATION**

With the implementation of the Harmonized System-based Customs Tariff, there may be a need to correct deficiencies and omissions in the regulations and orders as well as to implement initiatives that could not be foreseen. There may also be a need to amend regulations and orders to reflect changes made to the terminology and structure of customs and excise legislation, as a result of the Revised Statutes of Canada, 1985 Act, coming into force. Further, several times a year, the Department receives representations from interested organizations and associations regarding aspects of the regulations administered by Customs and Excise.

*Anticipated Impact:* Because the precise amendments required are not known, their impact cannot be assessed.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, various sections; Customs Tariff, S.C. 1987, c. 49, various sections; Duties Relief Act, S.C. 1986, c. 29, as amended, s. 8(b) and (c), 31(a) and (j), and 35; Excise Act, R.S.C. 1985, c. E-14, as amended, various sections; Excise Tax Act, R.S.C. 1985, c. E-15, as amended, various sections; Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23

*Expected Date of Publication:* Throughout the year, as required

*Contact:* For regulations and orders made pursuant to Customs legislation: C. Ouimet, Director, Legislative Affairs, Department of National Revenue, Customs and Excise, 3rd Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6950.

For regulations and orders made pursuant to Excise legislation: R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario K1A 0L5. Tel. (613) 954-7926

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655-RC:CE

### **MISCELLANEOUS AMENDMENTS (STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS)**

Amendments to the following regulations and orders will be required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of Regulations: Coasting Trade (Customs) Regulations; Duties Relief Regulations; Duty-Free Shops Regulations; Exposed and Processed Film and Video-Tape Remission Order; Importation of Periodicals Regulations; Importation of Trading Checks Regulations; Importers Records Regulations; IRSTD System Remission Order; Merchandise for Photographic Layouts Remission Order; Museum and Other Exhibits Import Regulations; Presentation of Persons Regulations; Re-importation of Goods Regulations; Returning Persons Exemption Regulations; Tariff Item 9805.00.00 Exemption Order; Temporary Importation of Conveyances by Residents of Canada Regulations. The amendments will concern certain legal issues as well as minor wording changes to correct grammatical discrepancies. There will likely be several more amendments of the same nature to other customs and excise regulations or orders as concerns are addressed in 1989.

*Anticipated Impact:* Because the amendments are, for the most part, technical and not substantive in nature, no impact is expected.

*Statutory Authority:* Customs Act, S.C. 1986, c. 1, as amended, various sections; Customs Tariff, S.C. 1987, c. 49, various sections; Duties Relief Act, S.C. 1986, c. 29, as amended, s. 8(b) and (c), 31(a)



and (j), and 35; Excise Act, R.S.C. 1985, c. E-14, as amended, various sections; Excise Tax Act, R.S.C. 1985, c. E-15, as amended, various sections; Financial Administration Act, R.S.C. 1985, c. F-11, as amended, s. 23

*Expected Date of Publication:* Throughout the year, as required

*Contact:* For regulations and orders made pursuant to Customs legislation: C. Ouimet, Director, Legislative Affairs, Department of National Revenue, Customs and Excise, 3rd Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6950.

For regulations and orders made pursuant to Excise legislation: R. Gendreau, Chief, Regulations and Remissions, Policy and Legislation, Department of National Revenue, Customs and Excise, 4th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario K1A 0L5. Tel. (613)-954-7926

# REVENUE CANADA, TAXATION

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## Roles and Responsibilities

The Department of National Revenue, Taxation operates one program which is under the direction of a Deputy Minister who reports to the Minister of National Revenue. The objective of the program is to administer and enforce the Income Tax Act, and various federal and provincial statutes related to it, including parts of the Canada Pension Plan and the Unemployment Insurance Act, and various provincial tax credit plans. The Department administers income tax legislation for the federal government, collects personal income tax on behalf of all provinces except Quebec, corporate income tax on behalf of all provinces except Alberta, Ontario and Quebec and collects employee and employer contributions under the Canada Pension Plan and employee and employer premiums for the Unemployment Insurance Commission. The Department of Finance has responsibility for tax policy and amendments to the Income Tax Act. National Revenue, Taxation provides advice on the administrative feasibility of proposed tax measures and provides a statistical service used in the development of tax policy. The Department exists by virtue of the Department of National Revenue Act which charges it with the control, regulation, management and supervision of internal taxes including income taxes and succession duties. The Minister of National Revenue is the responsible minister for part I of the Canada Pension Plan and for parts IV and VIII of the Unemployment Insurance Act. The Department also administers the Petroleum and Gas Revenue Tax Act as well as international tax agreements signed with many countries aimed at promoting the exchange of information between treaty partners and at avoiding the double taxation of foreign-earned income by their respective citizens. In addition, it collects income taxes for the provinces under agreements entered into by the Minister of Finance with the provincial governments concerned according to provisions of part III of the Federal-Provincial Fiscal Arrangements Act.

## Legislative Mandate

The Income Tax Act  
The Petroleum and Gas Revenue Tax Act  
The Canada Pension Plan, Part I  
The Unemployment Insurance Act, Parts IV and VIII

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656-RCT

### INCOME TAX REGULATIONS

Amendments to part I and schedule I of the regulations will change federal-provincial sharing of source deductions on wages and salaries and source deduction tables for employers to reflect

indexing and federal/provincial budget changes. Amendments to part II of the regulations will require information returns to be filed by a described class of persons in certain circumstances. These amendments will reflect budget changes and those classes of persons and circumstances which have been identified by Revenue Canada, Taxation as requiring the filing of information returns in order effectively to administer the Income Tax Act. Amendments to part IX of the regulations concerning delegation of the powers and duties of the Minister, will reflect budget changes and changes to the titles of officials of this Department resulting from departmental reorganization or reconsideration of the level to which the Minister's powers and duties should be delegated. Amendments to part XXV of the regulations concerning rules for the preparation of the annual tax tables, to simplify the computation of the income tax payable by individuals and the type of persons who cannot use the tables, will reflect budget changes. Schedule VIII of the regulations listing the universities outside Canada, donations to which are deductible for income tax purposes, will be amended to include additional universities which meet the requirement contained in the Income Tax Act or to reflect a change in the name of a listed university.

*Anticipated Impact:* The impact of the amendments to part I and schedule I cannot be determined separately from the overall impact determined for the budget. While amendments to parts II, IX and XXV are administrative in nature, the part II amendments will have a paper burden impact, and the part XXV amendments could reduce paper burden. The amendments to schedule VIII are relieving in nature.

*Statutory Authority:* Income Tax Act, R.S.C. 1952, c. 148; S.C. 1970-71-72, c. 63, s. 221(1)

*Expected Date of Publication:* Schedule VIII – Second Quarter, 1989, Part II, *Canada Gazette*; the other amendments as required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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657-RCT

### CANADA PENSION PLAN REGULATIONS

Prepared in consultation with Health and Welfare, Canada, these amendments to the regulations will set out the maximum annual contributions and the basic annual exemption, and reflect the inflationary increase in salaries and wages as indicated by the Industrial Aggregate in Canada. The amendments will also provide that certain employment by members of a religious order will cease to be excepted employment. Amendments to schedule I of the regulations, which provides source deduction tables for employers, are based on the revised maximum



contributions and basic exemption. Amendments to schedule IV of the regulations, which sets out the list of types of employment by the government of a province that are excluded from pensionable employment, will reflect requests received from the governments of the provinces. Amendments to schedules VII and VIII of the regulations reflect international agreements between the Government of Canada and the governments of other countries. These agreements provide that certain employees in Canada of the other countries' governments are employed in exempt employment for the purposes of the Canada Pension Plan.

*Anticipated Impact:* The precise impact of the described amendments cannot be determined at this time but is expected to result in increased contributions. The figures necessary to set the revised maximum contributions and basic exemption are not available at this time.

*Statutory Authority:* Canada Pension Plan, R.S.C. 1985, c. C-8, s. 7(1), 8(1)(a), 9(a), 21(1) and 40(1)

*Expected Date of Publication:* Regulations and schedule I – Fourth Quarter, 1989, Part II, *Canada Gazette*; members of religious order amendment and schedules IV, VII and VIII as required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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#### 658-RCT

### CANADA PENSION PLAN – DELEGATION OF POWERS

These amendments to the regulations reflect budget changes and changes to the titles of officials of this Department following departmental reorganization or reconsideration of the level of administrators to whom the Minister's powers and duties should be delegated.

*Anticipated Impact:* These amendments are administrative in nature.

*Statutory Authority:* Canada Pension Plan, R.S.C. 1985, c. C-8, s. 40(2)

*Expected Date of Publication:* As required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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#### 659-RCT

### UNEMPLOYMENT INSURANCE – COLLECTION OF PREMIUMS

These amendments to the regulations are necessary to reflect changes in the Unemployment Insurance Act and jurisprudence; to co-ordinate the policies of Revenue Canada, Taxation with those of Employment and Immigration, Canada concerning the recording of earnings and the determination of insurable earnings; and to simplify and clarify the regulations to achieve uniformity of interpretation. Amendments to part I of the regulations concerning the determination of insurable earnings reflect budget changes. Amendments to the schedule to the regulations are required to change source deduction tables for employers to reflect revised insurable earnings and premium rates as determined by the Unemployment Insurance Commission in accordance with the Unemployment Insurance Act.

*Anticipated Impact:* The impact of budget related changes cannot be determined separately from the overall impact determined for the budget. The impact of revised insurable earnings and premium rates cannot be determined since these figures are not available at this time.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 75(1)

*Expected Date of Publication:* Source deductions amendments – Fourth Quarter, 1989, Part II, *Canada Gazette*; other amendments as required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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#### 660-RCT

### UNEMPLOYMENT INSURANCE – DELEGATION OF POWERS

Amendments to the regulations reflect budget changes and changes to the titles of officials of this Department following departmental reorganization or reconsideration of the level of administrators to whom the Minister's powers and duties under parts IV and VIII of the Unemployment Insurance Act should be delegated.

*Anticipated Impact:* These amendments are administrative in nature.

*Statutory Authority:* Unemployment Insurance Act, R.S.C. 1985, c. U-1, s. 75(2)

*Expected Date of Publication:* As required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation,

123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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**661-RCT****PETROLEUM AND GAS REVENUE TAX REGULATIONS**

Amendments to section 12 of the regulations concerning delegation of the powers and duties of the Minister will reflect changes to the titles of officials of this Department following departmental reorganization or reconsideration of the level of administrators to whom the Minister's powers and duties should be delegated.

*Anticipated Impact:* These amendments are administrative in nature.

*Statutory Authority:* Petroleum and Gas Revenue Tax Act, R.S.C. 1985, c. P-12, s. 33

*Expected Date of Publication:* As required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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**662-RCT****ADVANCE RULINGS FEES ORDER**

These amendments will revise the hourly fees which will be charged for the preparation of advance rulings. The revised hourly rates will be in accordance with the government's policy of cost recovery from users of government services.

*Anticipated Impact:* Taxpayers seeking advance rulings will pay higher fees. The amendments will allow Revenue Canada, Taxation to recover the increased cost of processing advance-rulings requests and is in keeping with the government's program of restraint and cost recovery.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19(b) and Minister of National Revenue Authority to Prescribe Fees Order

*Expected Date of Publication:* As required

*Contact:* D.C. Burnett, Current Amendments and Regulations Division, Revenue Canada, Taxation, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2078

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**663-RCT****SPECIAL SERVICES FEES ORDER**

These new regulations will establish the fees to be charged for special services provided by Revenue

Canada, Taxation. The fees will be based on a cost-recovery calculation approved by Treasury Board. The services to be provided consist of use of computers and related services to provide specialized analyses of taxation data, not otherwise available, to provincial governments, other public authorities, educational institutions and private consultants. The analyses provided will not contravene the confidentiality provisions of the Income Tax Act.

*Anticipated Impact:* The amount of the fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19(b)

*Expected Date of Publication:* As required

*Contact:* E. Parker, Director General, Finance Directorate, Revenue Canada, Taxation, 88 Metcalfe Street, Room 600, Ottawa, Ontario, K1P 5L7. Tel. (613) 957-7347

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**664-RCT****FEES FOR PHOTOCOPIES OF CHARITABLE ORGANIZATIONS' RETURNS ORDER**

These new regulations will establish the fees to be charged for making photocopies of charitable organizations' returns for external users. The fees will be based on a cost-recovery calculation approved by Treasury Board. Revenue Canada, Taxation receives requests for photocopies of charitable organizations' returns from provincial authorities, educational institutions and other interested parties. Subsection 149.1(15) of the Income Tax Act states that this information may be provided to the public and does not contravene the confidentiality provisions of that act.

*Anticipated Impact:* The amount of the fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19(b)

*Expected Date of Publication:* As required

*Contact:* E. Parker, Director General, Finance Directorate, Revenue Canada, Taxation, 88 Metcalfe Street, Room 600, Ottawa, Ontario, K1P 5L7. Tel. (613) 957-7347





# DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

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## Roles and Responsibilities

The Department of the Secretary of State of Canada fosters a sense of belonging to Canada and increases opportunities for the enjoyment of our country's educational, social, political and cultural resources by promoting full citizenship, providing financial support both to provincial governments for post-secondary education and to post-secondary students, offering financial and technical assistance to individuals, groups and private institutions and facilitating and encouraging communication in both official languages.

The Department promotes multiculturalism by developing and implementing policies and programs; providing financial and technical assistance to community-based organizations, Canadian institutions, non-governmental organizations and individuals to promote race relations, to enhance cross-cultural understanding, to preserve heritage cultures and languages, to support community development and full participation. It initiates and co-ordinates programs to encourage and monitor the implementation of multiculturalism by other federal departments and agencies. It also increases public awareness and appreciation of Canada's racial and cultural diversity.

The Department provides translation, interpretation, including sign-language interpretation, terminology and language advisory services. It also provides financial and technical assistance to linguistic minority communities, to non-profit organizations who wish to provide or promote services in both official languages and to provincial and municipal governments to help them provide services in the official language of the minority. The Department also provides contributions for minority official language education and second official language instruction.

In the field of education support, the Department is responsible for cash payments to provinces under the Post-Secondary Education financing program for the development of policies and the delivery of programs respecting student financial assistance at the post-secondary level, ensuring access by Canadians to post-secondary education. In co-operation with the Department of External Affairs, the Department of the Secretary of State of Canada contributes to the effective participation of Canada in international fora and activities.

## Legislative Mandate

The Secretary of State is wholly or partly responsible for administering the following acts:

- Appropriation Act No. 3, 1976, Vote 65 (re: Advisory Council on the Status of Women)
- An Act to provide for the recognition of the Beaver (*castor canadensis*) as a symbol of the sovereignty of Canada

- Citizenship Act, and Regulations
- Corrupt Practices Inquiries Act
- Disfranchising Act
- Dominion Controverted Elections Act
- Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, (re: Post-Secondary Education Financing Program)
- Financial Administration Act (Secretary of State, appropriate Minister with respect to the Public Service Commission and the Office of the Co-ordinator, Status of Women)
- Holidays Act
- Laurier House Act
- An Act to incorporate the Jules and Paul-Émile Léger Foundation
- Canadian Multiculturalism Act
- National Anthem Act
- National Flag of Canada Manufacturing Standards Act
- Official Languages Act
- Public Service Employment Act
- Social Sciences and Humanities Research Council Act
- Department of State Act
- Canada Student Loans Act, and Regulations
- Translation Bureau Act, and Regulations

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## 665-SS

### CANADA STUDENT LOANS

A policy review has been initiated to examine the Canada Student Loans Program with a view to enhancing the program in the short-term and to consider a fundamental restructuring of federal student assistance programs. Certain short-term improvements have been identified which can be achieved through minor amendments to the act and consequential changes to the regulations including measures to respond to the repayment problems of borrowers and to reduce student loan defaults, by lengthening the repayment periods; to make interest relief available to all low-income borrowers regardless of their employment status; and to permit payment deferral for students with special needs, namely low-income students who must study part-time because of disability or of necessity.

*Anticipated Impact:* Any change would likely affect post-secondary students, their parents, lenders, post-secondary educational institutions, and provincial student-aid activities. Proposed changes will be thoroughly discussed, with representatives of all interested parties, particularly through the National Advisory Group on Student Assistance and the Intergovernmental Consultative Committee on Student Financial Assistance.

*Statutory Authority:* Canada Student Loans Act, R.S.C. 1985, c. S-23



*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* F.B. Woyiwada, Director, Policy, Intergovernmental and Institutional Arrangements, Student Assistance Directorate, Department of the Secretary of State, 15 Eddy Street, Hull, Quebec, K1A 0M5. Tel. (819) 994-5014

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989; Part II, *Canada Gazette*

*Contact:* Winston Wells, Director General, Terminology and Linguistic Services Branch, Translation Bureau, Department of the Secretary of State, 15 Eddy Street, Hull, Quebec, K1A 0M5. Tel. (819) 997-1321

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666-SS

## **CITIZENSHIP**

Proposed changes to the 1977 Citizenship Act are to be introduced in Parliament within the next few months. The citizenship regulations are procedural in nature and will be amended in 1989 to conform to, and provide administrative support for, the amended Citizenship Act. At the same time, minor administrative and procedural amendments will be made as a result of the revision to the act in 1985 (R.S.C. 1985, c. C-29), the amendments to section 5 of the act in 1987, (S.C. 1987, c. C-53) and comments received from the Standing Joint Committee for Scrutiny of Regulations.

*Anticipated Impact:* The impact of the regulations is limited since they provide mainly procedural requirements for acquisition of, and claims to, Canadian citizenship.

*Statutory Authority:* Citizenship Act, R.S.C. 1985, c. C-29

*Expected Date of Publication:* The timetable for republication of revisions to the citizenship regulations will be dependent on progress of the amendments to the Citizenship Act.

*Contact:* Registrar of Canadian Citizenship, Department of the Secretary of State, 15 Eddy Street, Hull, Quebec, K1A 0M5. Tel. (819) 994-2869

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667-SS

## **FEES FOR TERMINOLOGY SERVICES**

Authority is being sought for the Secretary of State to establish rates to be charged to access the terminology bank of the Translation Bureau of the Department of the Secretary of State.

*Anticipated Impact:* This will only affect users of the bank because it sets in place a rate structure consistent with the rate of usage of the terminology bank. This will generate approximately \$314 000 in revenue annually.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 19

# SOLICITOR GENERAL CANADA

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## Roles and Responsibilities

The Ministry of the Solicitor General comprises: Solicitor General Secretariat, the Royal Canadian Mounted Police, the Correctional Service Canada, the National Parole Board and the Canadian Security Intelligence Service. The Ministry also includes three review bodies, the External Review Committee and the Public Complaints Commission of the Royal Canadian Mounted Police and the Inspector General of the Canadian Security Intelligence Service. The Office of the Correctional Investigator is part of the Secretariat Program and is responsible to the Minister. Although the agencies report independently to the Solicitor General, the Secretariat performs duties related to them. It is an integral part both of the Ministry of the Solicitor General and of the wider Canadian criminal justice and national security systems including the judiciary and the courts, other police and law enforcement agencies, other correctional authorities as well as the private sector. The division of responsibility for the administration of justice is complex, and involves other federal departments and agencies, notably the Department of Justice, and provincial and municipal governments.

The Department of the Solicitor General was established in 1966 under the provisions of the Department of the Solicitor General Act (as amended in 1984 by a section of the Canadian Security Intelligence Service Act), which gives the Solicitor General jurisdiction in all matters over which the Parliament of Canada has jurisdiction, and which have not by law been assigned to any other department, branch or agency of the Government of Canada, relating to: reformatories, prisons and penitentiaries parole and remissions; the Royal Canadian Mounted Police and the Canadian Security Intelligence Service.

## Legislative Mandate

The Solicitor General is responsible for the administration of:

- Department of the Solicitor General Act
- Royal Canadian Mounted Police Act
- Penitentiary Act
- Parole Act
- Prisons and Reformatories Act
- Canadian Security Intelligence Service Act
- Criminal Records Act
- Transfer of Offenders Act.

As well, the Solicitor General is responsible for discharging specific operational responsibilities under such acts as the Identification of Criminals Act, the Diplomatic and Consular Privileges and Immunities Act and the Immigration Act, to name a few, which are otherwise administered by other departments.

The agencies of the Ministry, notably the RCMP, are responsible for enforcing all federal statutes where such enforcement is not specifically assigned to another department or agency.

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### 668-RCMP

#### ROYAL CANADIAN MOUNTED POLICE REGULATIONS, 1988

Section 92 is to be amended to allow grants from the Benefit Trust Fund to be made to the RCMP Division Staff Relations Representative National Executive. These monies will be used to obtain legal opinions on issues which are of a national interest to the RCMP membership. The amendment will not include a sunset provision.

*Anticipated Impact:* The provision of grants to the National Executive will allow for the securing of independent legal opinions by the National Executive on the merits and validity of government policy as it affects RCMP members. The funds may be used to determine the merits of a court challenge but will not be used actually to carry out such a challenge.

*Statutory Authority:* Royal Canadian Mounted Police Act, R.S.C. 1970, c. R-9 as amended S.C. 1986 c. 11, s. 23(4)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D.L. Bishop, Insp., Financial Development and Analysis Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 993-2354

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### 669-RCMP

#### RECOVERY OF COSTS – BERMUDA POLICE FORCE

These regulations provide for the collection of fees or charges to be paid by the Commissioner of the Bermuda Police Force for the Royal Canadian Mounted Police Forensic Laboratory or Identification Services.

*Anticipated Impact:* It is anticipated that approximately 10 cases per year will be submitted to each of the Forensic Laboratory Services and Identification Services, by the Bermuda authorities. The proposed levies of \$1000 per forensic laboratory analysis, \$250 per identification analysis and \$175 per day per examiner for court appearances in Bermuda, would be assessed at the time of service.

*Statutory Authority:* The Financial Administration Act, R.S.C. 1985, c. F-11, s. 13(a)



*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* A/Commr. R.A. Bergman, Director, Forensic Laboratory Services, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 998-6348

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#### 670-RCMP

##### **FEES FOR FINGERPRINTING**

These regulations provide for the collection of fees or charges to be paid by individuals who have their fingerprints taken by the Royal Canadian Mounted Police for visa purposes or for the purposes of licensing as required by a municipal, provincial or federal enactment. These regulations are necessary to defray the costs of this service.

*Anticipated Impact:* The RCMP processed 8185 visa applications and 2750 licensing applications during 1984-85. Revenue totalling \$100 000 per annum, based on \$10 per applicant, will be generated. Accounting costs would absorb about 25 per cent of the revenue collected. Fees will be collected at the time of service.

*Statutory Authority:* The Financial Administration Act, R.S.C. 1985, c. F-11, s. 13(b)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Insp. J.L. Healey, Oi/c Budget & Accounting Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 993-0461

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#### 671-RCMP

##### **FEES FOR A CRIMINAL NAME INDEX SEARCH**

These proposed regulations provide for the collection of fees or charges to be paid by individuals who for the purposes of an application for Canadian citizenship, make application to have a name search made of the criminal name index of the Royal Canadian Mounted Police. These regulations are necessary to defray the costs of this service.

*Anticipated Impact:* During 1984-85, there were 10 889 citizenship applications processed. The cost of a Canadian Police Information Centre search has been calculated at \$2.32. The proposed fee of \$3 covers these costs and incremental administrative costs for a name search. Citizenship registration, Secretary of State and Embassies and Consulates in foreign countries and External Affairs will be the major points of contact with users.

*Statutory Authority:* The Financial Administration Act, R.S.C. 1985, c. F-11, s. 13(b)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Insp. J.L. Healey, Oi/c Budget & Accounting Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 993-0461

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#### 672-RCMP

##### **FEES TO BE PAID BY INDIVIDUALS REQUIRED BY ENACTMENT TO MAKE APPLICATION TO THE RCMP FOR A CRIMINAL RECORDS SEARCH**

These proposed regulations provide for the collection of fees or charges to be paid by individuals who for the purposes of licensing as required by a municipal, provincial or federal enactment, make application to the Royal Canadian Mounted Police to have a criminal record search made of the criminal history kept in the central repository of the Royal Canadian Mounted Police. These regulations are necessary to defray the costs of this service.

*Anticipated Impact:* During 1984-85, about 2750 licensing applications were processed involving privileges at federal, provincial and municipal levels of government. The recommended fee is \$15 per application, plus a \$10 fingerprinting fee recommended under separate order or the collection of a \$25 fee when the RCMP takes the fingerprints.

*Statutory Authority:* The Financial Administration Act, R.S.C. 1985, c. F-11, s. 13(b)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Insp. J.L. Healey, Oi/c Budget & Accounting Branch, RCMP 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 993-0461

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#### 673-RCMP

##### **FEES TO BE PAID BY INDIVIDUALS WHO MAKE APPLICATION TO THE RCMP FOR A CRIMINAL RECORDS SEARCH FOR VISA PURPOSES**

These proposed regulations provide for the collection of fees or charges to be paid by individuals who for visa purposes, made application to the Royal Canadian Mounted Police to have a criminal record search made of the criminal history files kept in the central repository of the Royal Canadian Mounted Police. These regulations are necessary to defray the costs of this service.

*Anticipated Impact:* The recommended fee is \$15 per application plus a \$10 fingerprinting fee collected under separate order or the collection of a \$25 fee when the RCMP takes the fingerprints. Administrative costs for cost recovery for the program are estimated at \$40 000 per year – approximately 25 per cent of the cost base. Fees from an estimated 7000 persons per year will be collected at the time of service.

*Statutory Authority:* The Financial Administration Act, R.S.C. 1985, c. F-11, s. 13(b)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Insp. J.L. Healey, Oi/c Budget & Accounting Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 993-0461

#### 674-RCMP

### SECTION 8(1) R.C.M.P. SUPERANNUATION REGULATIONS

Regulation 8(1) of the Royal Canadian Mounted Police Superannuation Regulations is to be amended to treat air pay, instrument pay and air responsibility allowance as superannuable.

*Anticipated Impact:* The amendment is limited to those members of the Royal Canadian Mounted Police engaged in flying duties. These members will have their pensions calculated on the pay they are receiving for their duties in the force.

*Statutory Authority:* Royal Canadian Mounted Police Superannuation Act, R.S.C. 1985, c. R-11

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Insp. T.J. Abernethy, Assistant Officer in Charge, Compensation Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 998-3550

#### 675-RCMP

### SECTION 10(1) R.C.M.P. SUPERANNUATION REGULATIONS

Regulation 10(1) of the Royal Canadian Mounted Police Superannuation Regulations is to be amended to clarify the superannuation contributions required for all periods when a member is not receiving pay and allowances.

*Anticipated Impact:* The impact is limited to contributors under the Royal Canadian Mounted Police Superannuation Act. Reduced contributions to some contributors while on leave without pay will result.

*Statutory Authority:* Royal Canadian Mounted Police Superannuation Act, R.S.C. 1985, c. R-11

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Insp. T.J. Abernethy, Assistant Officer in Charge, Compensation Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 998-3550

#### 676-RCMP

### ROYAL CANADIAN MOUNTED POLICE REGULATIONS, 1988.

Subsection 20(6) is to be amended to give to an administrative discharge board or a medical board the powers conferred on a board of inquiry, in relation to the powers before it, by paragraphs 24.1(3)(a), (b) and (c) of the RCMP Act. This amendment will not include a sunset provision.

*Anticipated Impact:* This amendment will enable an administrative discharge board or a medical board to summon witnesses as well as to receive oral or written evidence as the board deems requisite to the full investigation and consideration of the matter before it.

*Statutory Authority:* Royal Canadian Mounted Police Act, R.S.C. 1970, c. R-9 as amended S.C. 1986, c.11, s. 21(1).

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Sgt. A.W. Mercer, Internal Affairs Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 933-3584

#### 677-RCMP

### ROYAL CANADIAN MOUNTED POLICE REGULATIONS

Regulation 78, providing for death benefits, and regulations 135 and 136 relating to the erection and maintenance of headstones or markers were not rescinded when the RCMP Regulations, 1988 were promulgated. These regulations authorized payment from public expenses for these purposes. These sections are the only remaining portions of the RCMP regulations and will be rescinded upon Treasury Board approval of similar authorities.

*Anticipated Impact:* No impact is anticipated since the provision of the regulations will be replaced with a Treasury Board authority.



*Statutory Authority:* Royal Canadian Mounted Police Act, R.S.C. 1970, c. R-9 as amended S.C. 1986 c. 11, s. 21(1)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* A.D.F. Burchill, Supt., Oi/c Compensation Branch, RCMP, 1200 Alta Vista Drive, Ottawa, Ontario, K1A 0R2. Tel. (613) 993-1418

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#### 678-CSC

### **PENITENTIARY SERVICE REGULATIONS EMPLOYMENT OF INMATES**

The present penitentiary service regulations refer to a specific Commissioner's Directive (CD) number to determine which inmate employment positions are designated as essential on Saturdays, Sundays and statutory holidays. The Correctional Service of Canada has recently amended the Commissioner's Directives. Although the content of the CD remains unchanged, the number referenced in the regulation is now no longer applicable. Reference to this obsolete number would be removed while the requirement to perform essential work on weekends and statutory holidays would be retained.

*Anticipated Impact:* This change will allow for the delivery of essential services, in response to inmates' arguments that because there is no such Commissioner's Directive, there is nothing which forces them to work on the non-working days.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mario Dion, Assistant Commissioner, Corporate Policy and Planning, Correctional Service of Canada, 340 Laurier Street West, Ottawa, Ontario, K1A 0A9. Tel. (613) 995-2792

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#### 679-CSC

### **PENITENTIARY SERVICE REGULATIONS DUTY TO ACT FAIRLY**

The penitentiary service regulations do not provide an inmate charged with a disciplinary offence with the right to be informed of the charge and evidence against him prior to a hearing, the right to appear in person at the hearing or the right to introduce evidence and present witnesses at the hearing. Elements of the duty to act fairly are guaranteed in the common law and these procedural guarantees are available to inmates under the Commissioner's Directives. However, setting out these procedural

guidelines in the regulations would ensure that the essential ingredients of fairness are recognized as an integral part of the regulations with respect to the disciplinary process.

*Anticipated Impact:* This initiative will assure inmates that the basic principles surrounding the duty to act fairly as they pertain to the disciplinary process, would be set out in law. Guidance will also be provided to the Correctional Service of Canada in exercising this duty.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mario Dion, Assistant Commissioner, Corporate Policy and Planning, Correctional Service of Canada, 340 Laurier Street West, Ottawa, Ontario, K1A 0A9. Tel. (613) 995-2792

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#### 680-CSC

### **PENITENTIARY SERVICE REGULATION DISCIPLINARY OFFENCES**

The present penitentiary service regulations specify the nature of disciplinary offences, the violation of which results in the application of appropriate sanctions. This amendment would specifically prohibit two activities: gambling and fighting. Although the regulations specify that assault or a threat to assault is a disciplinary offence, fighting as an offence involves a more strict liability because of the greater degree of involvement by both individuals concerned. The presence of these activities within correctional facilities is unacceptable to the Correctional Service of Canada, as they do not promote law-abiding conduct on the part of inmates, and they create disruptions within the institutions. Current regulations prohibit any act that is calculated to prejudice the discipline or good order of the institution. This amendment would clearly identify gambling and fighting as unacceptable behaviour.

*Anticipated Impact:* This amendment would apply only to inmates housed in federal facilities.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mario Dion, Assistant Commissioner, Corporate Policy and Planning, Correctional Service of Canada, 340 Laurier Street West, Ottawa, Ontario, K1A 0A9. Tel. (613) 995-2792

## 681-CSC

**PENITENTIARY SERVICE REGULATIONS  
COMMUNITY RELEASE**

An amendment to the penitentiary service regulations is required to describe the Correctional Service of Canada's (CSC) current responsibility for the supervision of offenders in the community. Present regulations do not acknowledge the Service's role in matching community resources with each offender's needs, while at the same time providing an effective balance between assessment, surveillance, control and support in order to maximize the offender's chance of successful reintegration into the community. The Service is aware that it is the recommendation of the Standing Committee on Justice and Solicitor General that the release process be transferred to the National Parole Board. This initiative may require modification as a result of any government decision which may arise from this recommendation. The CSC recognizes its ongoing responsibility in encouraging and assisting offenders towards becoming law abiding citizens and wishes to reinforce this commitment within the regulations.

*Anticipated Impact:* The initiative will have no major impact for offenders released in the community, as it merely places into legislation a long standing philosophy and practice of CSC.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mario Dion, Assistant Commissioner, Corporate Policy and Planning, Correctional Service of Canada, 340 Laurier Street West, Ottawa, Ontario, K1A 0A9. Tel. (613) 995-2792

## 682-CSC

**PENITENTIARY SERVICE REGULATIONS  
FEMALE INMATES**

Current regulations provide that, except for private family visits with male inmates, female inmates are not to associate with male inmates, except under the constant supervision of a member. There is no similar provision directed towards male inmates. This initiative would revoke this section of the regulations as discriminatory. The Correctional Service of Canada (CSC) recognizes the needs and problems unique to female inmates. Circumstances which involve the association of male and female inmates can be governed more effectively with each region developing instructions as necessary, in order to address individual situations.

*Anticipated Impact:* Revocation of this section will eliminate discrimination from the legislation and will make no substantive changes in current practices. In accordance with the Service's belief that all concerned individuals have the right to be informed participants in the correctional process, any significant decisions affecting female inmates would be communicated through inmate committees or other appropriate avenues.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 683-CSC

**PENITENTIARY SERVICE REGULATIONS DUTY  
OF MEMBERS**

Current regulations state that it is the duty of members to use their best endeavours to achieve the purposes and objectives of the Service. The Service has incorporated these purposes and objectives into a modern mission statement. This statement provides a framework for individuals within the Service to carry out their responsibilities as members of the Service. An amendment to the regulations would incorporate this contemporary direction of the Service.

*Anticipated Impact:* This initiative will not have any impact on either the public or inmates housed in federal correctional facilities, but will provide clear direction to the Service regarding its legal mandate.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 684-CSC

**PENITENTIARY SERVICE REGULATIONS  
RECEPTION PROCEDURES**

Collection and assessment of information during the reception procedure enables the Correctional Service of Canada to make appropriate placement



decisions which will meet each offender's security and program needs. Current regulations require an investigation into the medical, psychological, social, educational and vocational condition and history of the inmate. This initiative will reinforce the need to collect information relating to the offender's criminal background in order to provide a more effective case-management service to all inmates.

*Anticipated Impact:* The amendment will ensure that all relevant information on an inmate's criminal background is available. Inmates will therefore receive a more effective assessment as to psychiatric and program services.

*Statutory Authority:* The Penitentiary Act, R.S.C. 1985, c. P-5

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Mario Dion, Assistant Commissioner, Corporate Policy and Planning, Correctional Service of Canada, 340 Laurier Street West, Ottawa, Ontario, K1A 0A9. Tel. (613) 995-2792

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#### 685-NPB

#### PAROLE REGULATIONS – AMENDMENT

The parole regulations should be simplified, where possible, better to reflect the National Parole Board's mission statement. Although the present provisions of the Parole Act impose certain restrictions with respect to the power to make regulations, this initiative will serve to simplify, clarify and consolidate the present regulations.

*Anticipated Impact:* The anticipated impact will be to improve understanding of the application of the Parole Act and regulations by federal and provincial inmates within the jurisdiction of the National Parole Board, and by members of the general public whose interests are affected by the decisions of the National Parole Board. Little direct impact on the resource expenditures of the National Parole Board or on the Canadian economy is anticipated.

*Statutory Authority:* The Parole Act, R.S.C. 1985, c. P-2

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 686-SGC

#### SCHEDULE OF COUNTRIES UNDER THE TRANSFER OF OFFENDERS ACT

The Transfer of Offenders Act enables Canada to negotiate multilateral and bilateral treaties with other countries to allow persons convicted of offences in foreign countries to serve their sentences in their home country. The schedule to the act lists those countries with whom Canada has concluded treaties. The amendment to the schedule is a routine initiative which is undertaken from time to time.

*Anticipated Impact:* Few Canadians and fewer foreign nationals will be affected on the effective date specified by each country upon ratification of an agreement with Canada. The subsequent changes to the schedule will ensure that all interested parties are made aware of these changes.

*Statutory Authority:* Transfer of Offenders Act, R.S.C. 1985, c. T-15, s. 23

*Expected Date of Publication:* As required to maintain currency of the schedule

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## Roles and Responsibilities

The Department of Transport carries out its role through a complex structure which includes a headquarters and four operating groups, Marine, Aviation, Airports and Surface Transportation, as well as a number of Crown corporations and agencies with varying degrees of autonomy. Because the nature of the Department's operations and activities are dynamic, the Department of Transport's regulatory activity is one of the largest and most complex among government departments.

The Policy and Co-ordination Group conducts substantive studies of the national transportation system in all its complexities and works with departmental components, the regulatory agency, federal and provincial departments, as well as carriers and users of the transportation system, to revise and update legislation so as to reflect current Canadian realities.

The major regulation-making activities of the Department result from aviation, airports, marine and surface organization responsibilities for providing and operating transportation facilities and services and for ensuring compliance with operating or manufacturing standards and regulations. An important continuing aspect of these responsibilities is to ensure the national transportation system meets the highest practicable safety standards. This necessitates such undertakings as the provision of aids to navigation for aircraft and ships, road/rail crossings, programs to increase safety in commercial and recreational transportation, occupational safety for transportation employees, regulatory and accident investigation activities, security at airports and ports, and all aspects of the transportation of dangerous goods including labelling inspection, movement and accident response. Complementary to these activities are programs aimed at establishing and monitoring safety standards for essential life protection equipment used in transportation, for example life jackets and seat belts.

Departmental components administer a multitude of charges, tariffs and fees, most of which are subject to ongoing review and revision to reflect such factors as changes in operating or administrative costs or the impact of changes in collective agreements.

The 1989 *Federal Regulatory Plan* is structured to reflect the organizational framework of the Department. In this way differences in responsibilities, activities, enabling legislation and the segment of the transportation industry served, are recognized.

The provision of certain ferry services is also part of the Minister's mandate. As well, the Crown corporations provisions of the Financial Administration Act have a significant impact on the interactions between CN, Marine Atlantic Inc., VIA Rail, the Canada Ports Corporation, other Crown corporations, and the Departmental Administration Activity.

The Minister is either the sole shareholder or the designated Minister responsible to Parliament for the following Crown corporations:

- Canadian National
- Canada Ports Corporation and Local Ports Corporations (7)
- St. Lawrence Seaway Authority
- VIA Rail Canada
- Marine Atlantic Inc.
- Pilotage Authorities (4)
- Canada Harbour Place Corporation

## Legislative Mandate

The major statutes under the jurisdiction of the Minister of Transport are the following:

- Aeronautics Act
- Arctic Waters Pollution Prevention Act
- Atlantic Region Freight Assistance Act
- Canada Ports Corporation Act
- Canada Shipping Act
- Canadian Aviation Safety Board Act
- Canadian National Railways Act
- Carriage by Air Act
- Carriage of Goods by Water Act
- Department of Transport Act
- Government Railways Act
- Hamilton Harbour Commissioners Act
- Harbour Commissions Act
- Marine Atlantic Inc. Acquisition Act
- Maritime Code Act
- Maritime Freight Rates Act
- Motor Vehicle Fuel Consumption Standards Act
- Motor Vehicle Safety Act
- Motor Vehicle Tire Safety Act
- Motor Vehicle Transport Act, 1987
- National Transportation Act, 1987
- Navigable Waters Protection Act
- Pilotage Act
- Public Harbours and Port Facilities Act
- Railway Act
- Railway Safety Act
- Railway Relocation and Crossing Act
- Safe Containers Convention Act
- St. Lawrence Seaway Authority Act
- Shipping Conferences Exemption Act, 1987
- Toronto Harbour Commissioners Act
- Transport Act
- Transportation of Dangerous Goods Act
- Western Grain Transportation Act



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## DEPARTMENTAL ADMINISTRATION

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### 687-TC AIR SERVICES FEES REGULATIONS

It is planned to increase airport and en route fees paid by aircraft operators. While the levels of the increases cannot be specified at this time, they will be modest. In addition, any increases will be consistent with the Department's cost-recovery policy, which aims to ensure that users bear a fair share of the costs of facilities and services provided for their benefit.

*Anticipated Impact:* The fees to be revised affect aircraft operators and represent only a small percentage of air transportation costs. There will be minimal impact on the public. Users will be consulted and the impact of any changes will be fully considered before any fee increases are implemented.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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### 688-TC ORDER TO CHARGE A FEE FOR ISSUING A 1969 CIVIL LIABILITY CONVENTION CERTIFICATE

This will permit a minister's order to charge a fee of \$25 for the issuance of certificates to oil tankers. These certificates certify that there is, in force, a contract of insurance, or other security, which satisfies the requirements of article VII of the 1969 Civil Liability Convention on Oil Pollution Damage and the Canada Shipping Act.

*Anticipated Impact:* It is anticipated that approximately thirty certificates per year will be issued to Canadian flag tankers that carry more than 2,000 tons of oil in bulk as cargo. Most of these tankers already have certificates issued by other countries, for which a fee is charged. The 1969 Convention requires that flag states issue such certificates to ships registered in their states.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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### 689-TC AERODROME SECURITY REGULATIONS

The Aerodrome Security Regulations were enacted in August 1987. These are the first regulations enacted to control security at airports in a comprehensive fashion. In September 1988, the Department will review the regulations to determine if amendments are required and address other regulatory provisions which should be identified for the purpose of the Designated Provisions Regulations.

*Anticipated Impact:* Security at airports will be improved.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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### 690-TC AIR CARRIER SECURITY REGULATIONS

The Air Carrier Security Regulations were enacted in December 1987. These are the first regulations enacted to control air carrier security operations in a comprehensive fashion. In September 1988, the Department will review the regulations to determine if amendments are required and address other regulatory provisions which should be identified for the purpose of the Designated Provisions Regulations.

*Anticipated Impact:* Security on aircraft and at airports will be improved.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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691-TC

**DESIGNATED PROVISIONS REGULATIONS**

Amendments to the Designated Provisions Regulations will be required following amendments to the Air Carrier Security Regulations and the Aerodrome Security Regulations to levy administrative monetary penalties for violations. Administrative monetary penalties are the most appropriate and effective means of enforcing many provisions of these regulations.

*Anticipated Impact:* The availability of this enforcement tool will result in greater compliance with aviation security requirements and a more effective use of inspection and enforcement resources.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

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**POLICY AND COORDINATION**

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692-TC

**ATLANTIC REGION SELECTIVE ASSISTANCE REGULATIONS**

These regulations will provide for the addition of commodities entitled to subsidization. Manufacturers and producers located in the Atlantic provinces and the Gaspé Region of Quebec (east of Lévis and south of the St. Lawrence River) may receive a transportation subsidy to permit their commodities to compete with other manufacturers and producers located in the central Canada market area.

*Anticipated Impact:* The anticipated impact of the amended regulations will be an additional 20 per cent reduction of freight costs for a few commodity items while moving within the Select Territory. The number of items and amount of reduction will depend upon applications received by a screening committee of federal/provincial officials, (Federal/Provincial Committee on Atlantic Region Transportation F/P CART).

*Statutory Authority:* Maritime Freight Rates Act, R.S.C. 1985, c. M-1, as amended, and Atlantic Region Freight Assistance Act, R.S.C. 1985, c. A-15, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*; Fourth Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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693-TC

**RAILWAY PASSENGER SERVICES CONTRACT REGULATIONS**

These regulations set out the required terms and conditions for reporting and invoicing by VIA before payment is made from government funds. They also prescribe payment arrangements and their authorities. The current regulations are ambiguous and fail to provide a proper framework for contractual arrangements between VIA and the federal government and between VIA and the freight railway companies. Any delay in taking corrective action would perpetuate the inconsistencies and contractual problems currently encountered.

*Anticipated Impact:* These amendments will establish an appropriate regime of accountability and government control over payments to VIA.

*Statutory Authority:* Appropriations Act, No. 1, 1977, S.C. 1976-77, c. 7

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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694-TC

**NON-RAILWAY COMPANY GRAIN CARRIAGE COST REGULATIONS**

The methodology and rates for determining the costs of carrying grain for companies other than CN and CP are under review because of concerns that the current methodology and rates, which are the same as those used for CN and CP, may not be appropriate for other companies.

*Anticipated Impact:* Changing the maximum contribution level would have an impact on companies other than CN and CP, that have entered into contribution agreements for the carriage of grain pursuant to section 59 of the Western Grain Transportation Act (WGTA). The WGTA specifies that the contribution shall not exceed the difference between the company's revenues and its costs.



*Statutory Authority:* Western Grain Transportation Act, R.S.C. 1985, c. W-8, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 695-TC

### **SAFETY (HOURS OF SERVICE) REGULATIONS FOR EXTRA-PROVINCIAL MOTOR CARRIERS (MOTOR VEHICLE TRANSPORT ACT)**

These regulations provide national uniformity and ensure safety coverage for extra-provincial motor carrier undertakings in areas which are beyond provincial jurisdiction. Specifically, the regulations specify hours of service for drivers. In addition, the regulations delegate authority to provincial officials for their enforcement. These regulations implement a major component of the new National Safety Code and are based on a nationally approved standard. The jurisdiction over motor carrier safety is divided between the federal and provincial governments and safety code implementation requires regulatory and legislative action by both levels of government. These regulations are the major federal initiative to the implementation of the National Safety Code. It is anticipated that amendments to the regulations will be necessary to reflect changes to the national standard. In addition, 1989 will be the first year of full enforcement of these regulations and amendments may be necessary in the light of operational experience.

*Anticipated Impact:* The regulations allow for effective safety enforcement in areas under federal jurisdiction and, taken in conjunction with the other safety code initiatives, represent a comprehensive national safety program for motor carriers. This is beneficial to all highway users.

*Statutory Authority:* Motor Vehicle Transport Act, S.C. 1987, c. 35

*Expected Date of Publication:* As required

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#### 696-TC

### **ECONOMIC REGULATION OF EXTRA-PROVINCIAL TRUCK UNDERTAKINGS (MOTOR VEHICLE TRANSPORT ACT)**

These regulations provide for national uniformity in all significant areas of extra-provincial truck

licensing. Specifically, they set out the information required of applicants for licences; the insurance coverage required of licence holders; the criteria for determining the fitness of an applicant to hold a license; the procedures for safety certification and rating of licence applicants/holders; and limitations on licence restriction. In addition, they exempt corridor operations, that is, operations which move across a province, from the transitional reverse onus test provided in the Motor Vehicle Transport Act, 1987 (MVTA). The regulations implement federal-provincial agreements on truck regulatory reform and provisions of the National Safety Code. These regulations came into effect upon implementation of the MVTA on January 1, 1988. It is anticipated that amendments to the regulations will be necessary in 1989 to respond to provincial requests for additional direction and/or clarification of specific issues. Additional regulations governing the administration of the reverse onus (public interest) entry test may be necessary.

*Anticipated Impact:* These regulations represent a significant advance for setting national standards and procedures for truck licensing. Simplification of the procedures reduce entry costs to truckers. Truck undertakings benefit from the greater flexibility eased entry will allow them. Generally, the reforms have led to a more competitive trucking industry. The regulations, for the first time, introduce a significant safety element into the entry criteria, thus enhancing highway safety for the benefit of all highway travellers.

*Statutory Authority:* Motor Vehicle Transport Act, S.C. 1987, c. 35

*Expected Date of Publication:* As required

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## **AIRPORTS**

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#### 697-TC

### **AIRPORT OPERATIONS REGULATIONS**

Regulations are being developed to establish the rules and procedures for the operation, parking and safety of vehicles and equipment, for the licensing of vehicle operators and equipment, for the parking of aircraft and for the safety of pedestrian movement on aprons and other air operations areas of airports not covered by the Air Regulations but for which the airport manager/operator is responsible. These regulations would be made pursuant to the

Aeronautics Act but separate from the Air Regulations. They would expand upon and replace that portion of the Airport Traffic Regulations made pursuant to the Department of Transport Act and dealing exclusively with activities in the air operations areas of an airport.

**Anticipated Impact:** The Canadian Aviation Safety Board (CASB), in its report on a Special Investigation into the Risk of Collision Involving Aircraft on or Near the Ground at Canadian Civil Airports (August 1987), recommended (CASB 87-30) that the Department of Transport: 1. implement strengthened national standards for airport traffic directives as quickly as possible; 2. ensure that airport managers have the requisite authority to enforce national airport directives; and 3. require that all airports certified by, but not owned and operated by, Transport Canada effectively meet the strengthened national standards for airport traffic directives. Further it was recommended (CASB 87-31) that the Department of Transport: 1. accelerate implementation of its standard Airside Vehicle Operators Permit (AVOP) system at Transport Canada owned and operated aerodromes; and 2. require that an equivalent process for AVOP training and certification be implemented at non-Transport Canada owned and operated airports. The proposed regulations would meet the CASB recommendations and would incorporate pedestrian and vehicle safety provisions previously expressed in Transport Canada Aviation Group Policy.

**Statutory Authority:** Aeronautics Act, R.S.C. 1985, c. A-2, as amended

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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698-TC

## AIRPORT TRAFFIC REGULATIONS

A general review of Airport Traffic Regulations has been going on for some time now. A number of regulations attendant to the Government Property Traffic Act will need to be formally revised during the next year to finalize the on-going work.

**Anticipated Impact:** These amendments will permit Transport Canada to more effectively control vehicle traffic on airports. Vehicle operators using the airside and groundside road systems of Transport Canada airports will face higher permit fees and penalties related to the use of roads, curbs, parking and airside areas of airports. Any fee increases would normally be based on year to year changes

in costs and also would take into account the impact of inflation.

**Statutory Authority:** Government Property Traffic Act, R.S.C. 1985, c. G-6 and Department of Transport Act, R.S.C. 1985, c. T-18, as amended

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699-TC

## GOVERNMENT AIRPORT CONCESSION OPERATIONS REGULATIONS

The existing regulations currently define commercial operations that are permitted at Transport Canada Airports, including businesses, advertising and soliciting, ground transportation services such as taxis, limousines and courtesy vehicles. It is intended that the ground transportation services and the other commercial operations will each have separate regulations. The ground transportation portions of the existing regulations will receive fairly extensive modifications and refinement. The exact nature of these changes has been determined through consultation with airport staff, and the proposed changes will provide management with more efficient and effective means to control groundside operations. Regulations concerning terminal concession operators will be expanded and clarified to become a parallel set of regulations covering commercial operations at the airport. These will define, in more specific terms, what kinds of commercial operations will be permitted at government airports, and will provide airport management with the means to ensure that an adequate level of service is provided to the public.

**Anticipated Impact:** These amendments will enable Transport Canada to more effectively and fairly control the commercial activities taking place at its airports. It will also impact on parties allowed to carry out activities at airports by closing loopholes in the existing regulations and providing Transport Canada management with the means to determine who may operate at the airport and how they operate. This will include provision for penalties to be imposed for non-performance or unacceptable activities.

**Statutory Authority:** Department of Transport Act, R.S.C. 1985, c. T-18, as amended

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*



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#### 700-TC

### AIRPORT VEHICLE PARKING CHARGES REGULATIONS – FEE CHANGES

The Airport Vehicle Parking Charges Regulations prescribe the fees to be charged for vehicle parking at certain Transport Canada airports. Amendments may be proposed on a semi-annual basis (generally April and October) in order to implement charges or to adjust existing charges to conditions at specific locations.

*Anticipated Impact:* Added costs to users of airport vehicle parking spaces may be anticipated at certain airports. The fees would be structured so as to be generally comparable to those currently charged at similar parking facilities in the area serviced by the airport.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended, and the Ministerial Regulations Authorization Order

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*; Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 701-TC

### AIRPORT VEHICLE PARKING CHARGES REGULATIONS – METHODOLOGY

The Airport Vehicle Parking Charges Regulations prescribe the fees to be charged for vehicle parking at certain Transport Canada airports. An amendment may be proposed to replace the tariff of charges at applicable sites with the methodology for determining them in order to provide the appropriate officials with the flexibility to respond to prevailing market conditions in a timely fashion.

*Anticipated Impact:* The amendment will result in a more equitable method of establishing the charges.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended, and the Ministerial Regulations Authorization Order

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 702-TC

### AIRPORT GROUND TRANSPORTATION FEES REGULATIONS

The Airport Ground Transportation Fees Regulations prescribe the fees to be charged for ground transportation permits at airports designated by the Minister under section 4(1) of the Government Airport Concession Operations Regulations. The four airports designated by the Minister are: Montreal International Airport (Dorval), Montreal International Airport (Mirabel), Quebec Airport and Toronto - Lester B. Pearson International Airport. Amendments may be proposed introducing or updating specific fees.

*Anticipated Impact:* Amendments could introduce or change fees charged to ground transportation operators. These amendments will result in the recovery of a greater proportion of costs incurred by the Department in providing ground transportation facilities at airports.

*Statutory Authority:* Aeronautics Act, R.S.C. 1985, c. A-2, as amended, and the Ministerial Regulations Authorization Order

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## AVIATION

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#### 703-TC

### PROHIBITION OF LAND USE AS AERODROMES

The Air Regulations will be amended to authorize the issuance of notices prohibiting the use of any area as an aerodrome where the Minister determines the prohibition would be in the public interest. It will also enable the Minister to issue a notice where a province has requested that a prohibition be issued after it has given the public an opportunity to comment on the request. The amendment is being made as the result of a recommendation of a federal/provincial work group and will establish a

mechanism for dealing with provincial concerns about the use of certain lands as aerodromes.

*Anticipated Impact:* There will be some positive social benefits from the amendment in that it will allow more rational planning by provinces. There may be slight economic costs or benefits to surrounding landowners and slight inconvenience to aircraft operators required to find alternate areas for landing and taking off.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 704-TC

### **LEASE AND INTERCHANGE OF AIRCRAFT REGULATIONS – AIR REGULATIONS SERIES II, NO. 3**

These regulations will be amended to provide a scheme that allows leases of Canadian and foreign aircraft without requiring a change in the registration of the aircraft. Currently a ministerial order is necessary in such situations. In addition, the amendments will provide for the use of aircraft by up to three Canadian air carriers under an interchange agreement while the aircraft is registered under the name of only one of the carriers.

*Anticipated Impact:* These amendments will have a positive impact on the aviation industry by allowing it to operate more efficiently. The procedures relating to international leasing and to the interchange of aircraft will be less complex and time consuming so that arrangements allowing for the efficient use of aircraft can be made more quickly.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 705-TC

### **FLIGHT TIME LIMITATIONS – AIR CARRIERS USING SMALL AEROPLANES ORDER; ROTORCRAFT AIR TRANSPORT OPERATIONS ORDER: AIR NAVIGATION ORDERS, SERIES VII, NOS. 3 AND 6**

The provisions of these orders relating to flight time limitations will be amended on the basis of recommendations from a departmental study on pilot fatigue. While the annual limits will not be changed, the amendments will allow greater flexibility for scheduling flight time at various times throughout the year.

*Anticipated Impact:* The amendments will have a positive effect on the industry and will allow operators to carry out their activities more effectively. The greatest benefit will be for the small operators whose work is largely seasonal.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 706-TC

### **THE PERSONNEL LICENCES ORDER; THE PILOT LICENCE PRIVILEGES ORDER – AIR NAVIGATION ORDERS, SERIES IV, NOS. 1 AND 2**

These orders will be amended to bring them into accord with Amendment 159 to annex I to the Convention on International Civil Aviation. The result will be to change the criteria for commercial licences from the weight of the aircraft to crew complement and the elimination of the senior commercial pilot licence.

*Anticipated Impact:* The major impact of these changes will be on current holders of Senior Commercial Pilot Licences. Although such licences will remain in effect for a transition period of five years, at the end of that period each licence holder will have to obtain an Airline Transport Pilot Licence or revert to a Commercial Pilot Licence.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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707-TC**THE FLAMMABILITY REQUIREMENTS FOR AEROPLANE SEAT CUSHIONS ORDER; THE AEROPLANE FLOOR PROXIMITY EMERGENCY ESCAPE PATH MARKING ORDER; THE AEROPLANE CABIN FIRE PROTECTION ORDER – AIR NAVIGATION ORDERS, SERIES II, NOS. 28, 29 AND 30**

These orders will be amended to clearly state that they apply only to Canadian aircraft since other countries impose their own requirements in these areas. In addition amendments will be made exempting certain cargo flights from the provisions of the Floor Proximity Escape Path Marking Order and some provisions of the Cabin Fire Protection Order.

*Anticipated Impact:* These amendments will have a positive effect on the commercial aviation sector since it has been found impossible or impractical to apply these provisions to cargo operations with resulting need to issue exemptions in this area.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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708-TC**IDENTIFICATION, REGISTRATION AND MARKING OF AIRCRAFT – AIR REGULATIONS, SERIES II**

No. 1 - Identification of Aircraft and Aeronautical Products; No. 2 - Aircraft Marking and Registration; No. 3 - Lease and Interchange of Aircraft. These regulations form part of the review and revision of the aeronautics legislation currently being carried out by the Department. They consolidate existing provisions, codify relevant departmental policies and practices in relation to the identification of aircraft and aeronautical products and the markings and registration of aircraft, and include the new corporate ownership requirements of the National Transportation Act. No. 3 provides an exemption from the marking and registration provisions of No. 2. No. 3 also provides for a system whereby aircraft can be leased without a specific authorizing order. The amendment was published in the *Canada Gazette*, Part I on October 17, 1987.

*Anticipated Impact:* Impact will be minor since most requirements are already in effect, and No. 3 will lead to improved efficiency in commercial operations.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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709-TC**AERODROMES REGULATIONS – AIR REGULATIONS, SERIES III**

No. 1 - Aerodrome Regulations; No. 2 - Airport Regulations; No. 3 - STOLport Regulations; No. 4 - Heliport Regulations; No. 5 - Water and Ice Airport Regulations. These regulations form part of the review and revision of aeronautics legislation currently being carried out by the Department. They will consolidate, update and augment existing regulations in order to reflect advances in technology and experience with respect to the certification, operation, physical characteristics, marking and lighting of facilities used for the take-off and landing of aircraft.

*Anticipated Impact:* These regulations will lead to an improvement in safety.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*

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710-TC**PERSONNEL LICENSING – AIR REGULATIONS, SERIES IV**

No. 1 - Flight Crew Interpretation and General Provisions Regulations; No. 2 - Air Traffic Controller Licensing Regulations; No. 3 - Aircraft Maintenance Engineer Licensing Regulations; No. 4 - Medical Standards and Procedures Regulations; No. 6 - Flight Crew Licence - Permit and Licence Requirements Regulations; No. 7 - Flight Crew Rating Requirements Regulations. These regulations form part of the review and revision of the aeronautics legislation currently being carried out by the Department. They will prescribe the standards and procedures for the licensing of aviation personnel. The regulations also prescribe the medical standards and procedures for the issue of licence validation certificates to holders of and applicants for flight crew licences and air traffic controller licences.

**Anticipated Impact:** The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they are a codification of standards previously set out in the manuals and guides. The aeronautics industry - the main sector of the economy that will be affected - has been extensively consulted on this initiative and, in particular, on any changes to the standards now being codified.

**Statutory Authority:** An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*

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#### 711-TC

### AIR OPERATIONS REGULATIONS – AIR REGULATIONS, SERIES VI

No. 1 - Interpretation and General Provisions Regulations; No. 2 - Airspace Structure Regulations; No. 3 - Aircraft Requirements Regulations; No. 4 - Pre-flight Inspection Regulations; No. 5 - Aviation Facilities and Services Regulations; No. 6 - Operational Flight Planning Regulations; No. 7 - Flight Plan Filing Regulations; No. 8 - Prohibited and Restricted Cargo Regulations; No. 9 - Transportation of Passengers Regulations; No. 17 - General Flight Rules Regulations; No. 18 - Towing Regulations; No. 20 - Special Aviation Events Regulations; No. 21 - Sport Aviation Regulations; No. 22 - Operation on or in the Vicinity of an Aerodrome Regulations; No. 23 - Emergencies Regulations; No. 24 - Lights and Signals Regulations; No. 25 - Aircraft Lights Regulations; No. 26 - Marshalling Signals Regulations; No. 27 - Identification Zones Regulations; No. 28 - SCATANA Regulations; No. 29 - Communications Regulations; No. 30 - Use of Equipment Regulations; No. 31 - In-flight Weather Report Regulations; No. 32 - Speed Restrictions Regulations; No. 33 - Altimeter Setting and Operating Rules Regulations; No. 34 - Sonic and Supersonic Flight Regulations; No. 35 - Special Purpose Operations Regulations; No. 36 - Aircraft Operations on Water Regulations; No. 37 - Cruising Altitude Regulations; No. 41 - Visual Flight Rules Regulations; No. 46 - Instrument Flight Rules Regulations; No. 51 - Flight Plan Closing Regulations; No. 52 - Emergency Locator Transmitter Check Regulations; No. 53 - Reports and Log Entries Regulations; No. 54 - Securing Aircraft Regulations; No. 55 - Overdue Aircraft Regulations; No. 56 - Downed Aircraft Procedures Regulations; No. 57 - Accident and Damage Reporting Regulations. These regulations are part of the review and revision of the aeronautics legislation currently being carried out by the Department. They consolidate various regulations, orders and departmental policies and

practices that govern an individual's conduct while operating an aircraft.

**Anticipated Impact:** No substantial impact is anticipated since most of the requirements of the proposed regulations are already in effect.

**Statutory Authority:** An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*

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#### 712-TC

### COMMERCIAL AIR OPERATIONS – AIR REGULATIONS, SERIES VII

No. 1 - Air Carrier and General Provisions Regulations; No. 2 - Large Aeroplane Air Carrier Regulations; No. 3 - Small Aeroplane Air Carrier Regulations; No. 4 - Special Purpose Air Carrier Regulations; No. 5 - Flight Training Unit Air Carrier Regulations; No. 6 - Rotorcraft Air Carrier Regulations; No. 7 - Air Carrier Flight Operations Regulations; No. 8 - Air Carrier Aircraft Maintenance Regulations; No. 9 - Air Carrier Certification Regulations; No. 10 - Flight Training Equipment Regulations; No. 11 - Foreign Air Carrier Regulations; No. 12 - Air Carrier Inspection Regulations. These regulations form part of the review and revision of the aeronautics legislation currently being carried out by the Department. They consolidate existing regulations, orders and departmental policies relating to the certification and operation of commercial air services.

**Anticipated Impact:** No substantial impact is anticipated, since most of the requirements of the proposed regulations are already in effect.

**Statutory Authority:** An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

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#### 713-TC

### AIRWORTHINESS REGULATIONS – AIR REGULATIONS, SERIES V

No. 1 - General Regulations on Procedures, Flight Authority, Import and Export; No. 2 - Aeronautical Product Design Regulations; No. 3 - Aeronautical Product Manufacture and Distribution Regulations;



No. 4 - Aeronautical Product Maintenance Regulations; No. 5 - Continuing Airworthiness Regulations. These regulations form part of the review and revision of the aeronautics legislation currently being undertaken by the Department. They will revise, consolidate, update and augment material contained in existing regulations, air navigation orders, standards and practices in order to reflect advances in technology and experience with respect to the design, manufacture, distribution, approval, certification and maintenance of aeronautical products.

*Anticipated Impact:* These regulations will promote safety and increase the efficiency of the Canadian airworthiness system. They will create greater similarities between the Canadian airworthiness regulatory system and those of other states which, in an international industry, should promote greater efficiency in both public and private sector relations.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* E.A. MacNab, Chief, Aeronautical Legislation and Regulations, Transport Canada, Ottawa, Ontario, K1A 0N8. Tel. (613) 990-1221

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#### 714-TC

#### **PRIVATE AIRCRAFT LIABILITY INSURANCE REGULATIONS – AIR REGULATIONS, SERIES VI, NO. 10**

These regulations will impose minimum liability insurance requirements on operators of aircraft not currently required to be insured by the regulations made by the National Transportation Agency.

*Anticipated Impact:* These regulations will increase the cost of operating a private aircraft by the amount of the new insurance premiums required. Appropriate rates will be established by the insurance companies. Part I notice will be supplemented by other consultation activities.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

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#### 715-TC

#### **PROTECTIVE BREATHING EQUIPMENT ORDER FOR CREW OF LARGE AEROPLANES**

Current protective breathing equipment has proven inadequate in in-flight cabin fire/smoke situations. It is proposed to promulgate an air navigation order requiring that large aeroplanes be equipped with protective breathing equipment which provides crew members with improved visual and respiratory protection as an active counter-measure against the hazards of in-flight fires. A consequential amendment will be made to the Oxygen Equipment Order (Air Navigation Order, Series II, No. 9) to bring it into line with these new requirements.

*Anticipated Impact:* The proposed order will result in improved safety. There will be new costs associated with the manufacture of new aircraft. It is not possible to be specific about costs at this time because of the wide variety of aircraft affected. These requirements will be accepted and applied by other countries including the United States.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 716-TC

#### **FIRE PROTECTION REQUIREMENTS FOR CARGO AND BAGGAGE COMPARTMENTS OF LARGE AEROPLANES**

Current requirements have proven inadequate in typical cargo and baggage compartment fire scenarios. It is proposed to promulgate an air navigation order requiring that the cargo and baggage compartments of large aeroplanes be equipped with materials which meet upgraded flammability standards.

*Anticipated Impact:* The proposed order will result in improved safety. There will be new costs associated with the manufacture of new aircraft. It is not possible to be specific about costs at this time because of the wide variety of aircraft affected. These requirements will be accepted and applied by other countries including the United States.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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**717-TC****IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF LARGE AEROPLANES**

Current requirements have proven inadequate in in-flight cabin fire situations. It is proposed to promulgate an air navigation order requiring that large aeroplanes be equipped with interior materials which meet upgraded flammability standards.

*Anticipated Impact:* The proposed order will result in improved safety. There will be new costs associated with the manufacture of new aircraft. It is not possible to be specific about costs at this time because of the wide variety of aircraft affected. These requirements will be accepted and applied by other countries including the United States.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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**718-TC****AERONAUTICAL COMMUNICATIONS STANDARDS AND PROCEDURES ORDER – AIR NAVIGATION ORDER, SERIES I, NO. 1**

The order presently does not permit aircraft operating outside of the Montreal Flight Information Region, but still over Quebec, to use the French language. The proposed amendment will permit the use of the French language anywhere in the province of Quebec.

*Anticipated Impact:* The proposal has no economic impact, and will increase the Canadian airspace in which the French language may be used.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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**719-TC****AIRCRAFT SEATS, SAFETY BELTS AND SAFETY HARNESSES ORDER – AIR NAVIGATION ORDER, SERIES II, NO. 2**

This order will be revoked and replaced with a new order setting out more extensive seat and individual safety-belt equipment requirements, including shoulder harnesses, for flight crew and flight attendant seats. The order also introduces the concept of the child-restraint system for securing an infant. The amendment was published in the *Canada Gazette*, Part I on July 18, 1987.

*Anticipated Impact:* The new order will improve the level of safety for those persons required to use shoulder-harness installations and effect an overall increase in safety within the passenger cabin. While there will be minor costs to modify certain seats, the proposed requirements have been the existing manufacturing standards for years.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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**720-TC****COCKPIT VOICE RECORDER ORDER; FLIGHT DATA RECORDER ORDER – AIR NAVIGATION ORDERS, SERIES II, NOS. 13 AND 14**

These orders will be amended to reflect current practices in aviation by revising the parameters that are to be recorded, requiring state aircraft to be equipped with a flight data recorder and a cockpit voice recorder, and providing for circumstances under which the Minister may grant exemptions. The amendment will clarify the types of aircraft required to be equipped with flight data and cockpit voice recorders and will extend the application of the requirements of the orders to include rotorcraft.

*Anticipated Impact:* These amendments will improve safety investigations. There will be a financial impact associated with the cost of manufacturing new rotorcraft that will be required to carry this equipment. There will also be new costs imposed on operators of aircraft that do not presently carry the required equipment. It is not possible to be specific about costs at this time. The required



Regulatory Impact Analysis Statement, however, will address the questions of both equipment and installation.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 721-TC

### **PRIVATE AIRCRAFT FLIGHT PERMITS ORDER – AIR NAVIGATION ORDER, SERIES II, NO. 3**

The establishment of a rotorcraft industry in Canada makes it necessary to provide for the issuance of flight permits for flights of experimental or prototype rotorcraft. The order will be amended to provide for the issuance of these permits to rotorcraft. The amendment was published in the *Canada Gazette*, Part I on May 21, 1988.

*Anticipated Impact:* The amendment will encourage the rotorcraft industry in Canada by making the testing of its products easier.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

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#### 722-TC

### **AIRCRAFT NOISE EMISSION STANDARDS AND CERTIFICATION ORDER; AIRCRAFT NOISE OPERATING RESTRICTIONS ORDER – AIR NAVIGATION ORDERS, SERIES II, NOS. 21 AND 27**

Air Navigation Orders, Series II, Nos. 21 and 27 will be amended so that the requirements will now apply to rotorcraft. References in these orders to International Civil Aviation Organization standards are being changed to refer to Canadian standards as set out in the Airworthiness Manual. Air Navigation Order, Series II, No. 27 will also be broadened to prohibit aircraft from landing at specified noise-restricted runways unless those aircraft comply with the noise emission standards set out in the Airworthiness Manual. The amendment was published in the *Canada Gazette*, Part I on April 23, 1988.

*Anticipated Impact:* It is expected that the amendment will lead to improvement in airport public environments. No economic costs to either the existing helicopter or recreational industry are anticipated by the expansion of the scope of the order as it applies only to those helicopters being manufactured after December 31, 1987; these potential costs will be examined during the development of the required Regulatory Impact Analysis Statement.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 723-TC

### **AIR REGULATIONS SECTION 409 – ALCOHOL BLOOD LEVELS IN CREW**

This section will be amended to extend the prohibition presently set out in the Criminal Code of Canada against a person acting as a crew member while he has a blood alcohol level above 0.08 per cent. The amendment will lower the prohibited blood alcohol level to 0 per cent.

*Anticipated Impact:* Since it is unsafe to operate an aircraft with blood alcohol levels below 0.08 per cent, this amendment will improve safety.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

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#### 724-TC

### **LIFE SAVING EQUIPMENT ORDER – AIR NAVIGATION ORDER, SERIES II, NO. 8**

The amendment to the Life Saving Equipment Order aims at promoting the safety and efficiency of aviation, namely by allowing easier and more timely compliance with the requirements for over-water flights. It also provides for easier inspection and approval of such equipment by government officials. Examples of this life-saving equipment are life-jackets and life-rafts. The present order requires adherence to specific Federal Aviation Administration Technical Standards Orders which in turn do not

allow sufficient flexibility to the operator in the purchase of equipment or to Transport Canada inspectors during their surveillance for initial and ongoing compliance.

*Anticipated Impact:* The amendment will allow the more effective and efficient use of aircraft. It does not impose a further cost factor on the user and could, in some instances, reduce operating costs. The amendment will result in improved aviation safety in that it ensures adequate up-to-date life-raft and life-jacket equipment is carried on board aircraft.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 725-TC

### DESIGN REQUIREMENTS FOR SMALL AEROPLANES

A new air navigation order will be made to implement design requirements for small aeroplanes with a maximum take-off weight above 5 700 kg and a 10-19 passenger seating configuration, in order to bring Canadian requirements for these aircraft into line with those of the United States.

*Anticipated Impact:* The impact will be slight since the order will apply retroactively to a limited number of new aircraft which in any case were manufactured to the United States' standard.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 726-TC

### AIR REGULATIONS – SECTION 555 – CATEGORY III OPERATIONS

This provision will be expanded to allow the Minister to include provisions and rules applicable to Category III operating minima in the Manual of All Weather Operations to allow instrument flight rules aircraft to operate in specified weather conditions.

*Anticipated Impact:* Due to advanced technology in aircraft instrumentation and ground based facilities for air traffic, it is possible to permit aircraft to operate in weather conditions previously prohibited, without decreasing the safety of the crew and passengers.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

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#### 727-TC

### AIR REGULATIONS – SECTION 534 – “POLICE AUTHORITY,” “SPECIAL PURPOSE OPERATION”

This amendment redefines “Police Authority” and “Special Purpose Operation.” It allows the officers in the departments of Fisheries and Oceans, and Environment (Canadian Parks Service), while performing their duties, to operate aircraft at lower altitudes than those prescribed. Secondly, the amendment makes it clear that the definition of “special purpose operation” applies to aerial photography and survey only when commercial aircraft are used. The amendment was published in the *Canada Gazette*, Part I on May 14, 1988.

*Anticipated Impact:* This amendment is positive for the fishing industry in that fishery officers, now allowed to fly at lower altitudes, can better perform their duties of enforcement. The clarification brought to the definition of “special purpose operation” makes the application of the regulation easier. There are no economic implications resulting from the amendments.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 728-TC

### AIR REGULATIONS – SECTION 218 – AIRCRAFT MAXIMUM WEIGHT AND LOADING

Air Regulations, section 218 is difficult to enforce because it refers to maximum weight as set out in a document where, in fact, no such reference exists. The regulation will be amended to change this reference, to bring it into line with current practices



and make it more useful from an enforceability perspective.

*Anticipated Impact:* The amendment will make the provision easier to enforce.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

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#### 729-TC

### **HANG GLIDER AND ULTRA-LIGHT AEROPLANE OPERATIONS ORDER – AIR NAVIGATION ORDER, SERIES V, NO. 24**

In order to better regulate the growing use of ultra-light aeroplanes, this order will be amended to allow ultra-light aeroplanes to carry passengers under certain conditions. It will also reduce the restrictions that presently define the airspace in which ultra-light aeroplanes are permitted to operate. In addition, new airworthiness standards for ultra-light aeroplanes will be established.

*Anticipated Impact:* These amendments will allow broader use of ultra-light aeroplanes and hence have a positive impact on the ultra-light aeroplane manufacturing industry.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 730-TC

### **AIRCRAFT JOURNEY LOG ORDER – AIR NAVIGATION ORDER, SERIES VIII, NO. 2**

This order will be amended to provide that a less detailed aircraft journey log must be kept in respect of a private aircraft. There will also be provision for the log to be kept on a computer.

*Anticipated Impact:* This amendment will ease the regulatory burden for operators of private aircraft. It will have a positive effect on commercial aviation by allowing the use of current record-keeping technology, thus increasing efficiency and reducing costs.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 731-TC

### **AIRCRAFT MAINTENANCE ENGINEER LICENCES PRIVILEGES ORDER – AIR NAVIGATION ORDER, SERIES IV, NO. 6**

This order will be revoked and a new order will be promulgated to set out the privileges attaching to aircraft maintenance engineer (AME) licences including new types of AME licences that reflect the current state of the industry. The amendment was published in the *Canada Gazette*, Part I on July 16, 1988.

*Anticipated Impact:* The impact will be the recognition of the various specialty types of AME licences and an increase in safety.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 732-TC

### **SPECIAL VISUAL FLIGHT RULES FLIGHT ORDER – AIR NAVIGATION ORDER, SERIES V, NO. 1**

This amendment will standardize the conditions under which all types of aircraft may be authorized to operate under instrument flight rules weather conditions without complying with the instrument flight rules. The establishment of a single standard will eliminate the distinction between helicopters and other aircraft and will eliminate unenforceable requirements. The amendment was published in the *Canada Gazette*, Part I on April 11, 1987.

*Anticipated Impact:* No economic or social costs are associated with this amendment. The proposal will benefit the aviation industry by simplifying and clarifying flying conditions for the operations of aircraft when special visual flight rules weather minima apply.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 733-TC

### **AIR REGULATIONS – SECTION 530 – AIRCRAFT RIGHTS OF WAY**

This amendment will correct a perceived lack of explicit rules regarding rights of way between two power driven heavier-than-air aircraft or between two motorless heavier-than-air aircraft and change "airport" to "aerodrome."

*Anticipated Impact:* This amendment will clarify the provision and improve flight safety by eliminating a possibly hazardous situation.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

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#### 734-TC

### **EMERGENCY RADIO FREQUENCY AND VISUAL INTERCEPTION SIGNALS ORDER – AIR NAVIGATION ORDER, SERIES V, NO. 27**

This amendment will relieve balloons, gliders and ultra-light aeroplanes from the requirement to carry equipment designed for the purpose of relaying signals from one aircraft to another. The amendment will also clarify the applicability of the order.

*Anticipated Impact:* This amendment will eliminate the requirement presently imposed on owners of balloons, gliders and ultra-light aeroplanes to carry interception signals on board. There will be no reduction in safety. It was never intended to include balloons, gliders and ultra-light aeroplanes within the scope of this order since these aircraft are not equipped to react to the interception signals.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 735-TC

### **AIR CARRIERS USING LARGE AEROPLANES ORDER; AIR CARRIERS USING SMALL AEROPLANES ORDER; ROTORCRAFT AIR TRANSPORT OPERATIONS ORDER – AIR NAVIGATION ORDERS, SERIES VII, NOS. 2, 3 AND 6**

These orders will be amended to clearly state that the Minister is required to issue an operating certificate where an applicant meets the conditions for an operating certificate set out in the orders.

*Anticipated Impact:* This amendment is a drafting change only.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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#### 736-TC

### **AIR REGULATIONS, SECTIONS 211, 700, 701, 702, 703 AND 706 – COMMERCIAL AIR OPERATIONS**

The amendments made to these provisions will clarify the Minister's authority with respect to the inspection of Canadian aircraft operated outside Canada. An amendment will also require operators of Canadian aircraft operated in commercial air services outside of Canada to hold an operating certificate.

*Anticipated Impact:* These amendments will clarify both the inspection powers of the Minister with respect to Canadian aircraft operated outside Canada and the requirements with respect to foreign operation of Canadian aircraft. There will be no additional costs to carry out these inspection duties.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

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737-TC**DESIGNATED PROVISIONS REGULATIONS –  
AIR REGULATIONS, SERIES I, NO. 3**

The regulations will be amended at various times throughout the year as consequential amendments resulting from changes to other regulations. Where there is an amendment to a regulation that contains a provision that is "designated" in the Schedule to the Designated Provisions Regulations, the Schedule will also be amended to reflect any resulting changes.

*Anticipated Impact:* There will be no impact as a result of the amendments to these regulations although there may be an impact that results from the change to the regulation containing the designated provision. This impact will be discussed in relation to that change.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* As necessary

*Contact:* E.A. MacNab, Chief, Aeronautical Legislation and Regulations, Transport Canada, Ottawa, Ontario, K1A 0N8. Tel. (613) 990-1221

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738-TC**AIR REGULATIONS; AIR NAVIGATION ORDERS –  
REVISIONS FOR ENGLISH/FRENCH  
CONSISTENCY**

These amendments will be made on an ongoing basis to improve the consistency in meaning between the English and French versions of legislation.

*Anticipated Impact:* These amendments will clarify the law for users.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Throughout 1989 as inconsistencies between the English and French versions of Air Regulations and Air Navigation Orders are discovered, amendments will be published

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739-TC**THE CRUISING ALTITUDES ORDER – AIR  
NAVIGATION ORDER, SERIES V, NO. 2**

This amendment replaces the current requirement for a ministerial authorization for an exemption from the order's requirements with an identification of circumstances where the order will not apply. The

amendment was published in the *Canada Gazette*, Part I on March 5, 1988.

*Anticipated Impact:* This amendment will benefit the industry and Transport Canada by eliminating the requirement to obtain an exemption in the circumstances set out in the amendment.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

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740-TC**AIR REGULATIONS – REPLACEMENT OF  
REFERENCES TO STANDARDS OF  
AIRWORTHINESS BY REFERENCE TO  
APPROPRIATE PROVISIONS OF THE  
AIRWORTHINESS MANUAL**

The creation of the Airworthiness Manual which sets out all airworthiness standards for Canadian aircraft makes the reference to standards in the Federal Aviation Regulations, Joint Airworthiness Requirements and the International Civil Aviation Organization unnecessary.

*Anticipated Impact:* These amendments will bring into effect the Airworthiness Manual which sets out Canadian standards of airworthiness.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Throughout 1989

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741-TC**AIR REGULATIONS – SECTION 539 –  
LANDPLANES**

This amendment will make it clear that a landplane includes a helicopter equipped with emergency floats so that such helicopters will not be treated as seaplanes with respect to over-water flights.

*Anticipated Impact:* This amendment will clarify the law.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

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#### 742-TC

### **AIR REGULATIONS – OTHER GROUNDS OF SUSPENSION, CANCELLATION OR REFUSAL TO RENEW**

The regulations will be amended to include circumstances and grounds upon which the Minister may suspend, cancel or refuse to renew a Canadian aviation document pursuant to section 5.8 of the Aeronautics Act. The circumstances and grounds will address those situations previously addressed by the following Air Regulations [208(7), 213(b), 213(c), 304, 704(b)] that were inadvertently revoked by section 8 of the Act to Amend the Aeronautics Act, when sections 5.7 to 6.2 of the Aeronautics Act were proclaimed. Section 8 was intended to revoke only those provisions of the Air Regulations that included grounds for suspension or cancellation that would fall within sections 5.9 to 6.1 of the Act. Since these provisions, that were inadvertently revoked set out different grounds, it is necessary to re-enact them under section 5.8.

*Anticipated Impact:* This amendment will maintain the existing system.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*

*Contact:* E.A. MacNab, Chief, Aeronautical Legislation and Regulations, Transport Canada, Ottawa, Ontario, K1A 0N8. Tel. (613) 990-1221

#### 743-TC

### **AIR REGULATIONS, SERIES III, NO. 6 – ADDING SECTION 317 AND AMENDING SECTION 534 – AIRCRAFT OPERATING SITE PERMITS**

This legislation will authorize the issuance of “temporary operating site permits” to allow aircraft to land in built-up areas for limited periods of time. Currently in these situations, aircraft must obtain a ministerial authorization pursuant to section 534(7) of the Air Regulations.

*Anticipated Impact:* These amendments will clarify the requirements and procedures for granting temporary approval for the operation of aircraft over built-up areas. The public will be better served by the issuance of a standard authorization document

than by the current practice of granting exemptions to Air Regulation 534. The economic costs and benefits will be minimal since approvals are already being processed under existing Air Regulation 534.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*

*Contact:* E.A. MacNab, Chief, Aeronautical Legislation and Regulations, Transport Canada, Ottawa, Ontario, K1A 0N8. Tel. (613) 990-1221

#### 744-TC

### **SPARSELY SETTLED AREAS ORDER – AIR NAVIGATION ORDER, SERIES V, NO. 12**

This order will be amended to expand the area presently defined as a sparsely settled area and to change the emergency equipment list that sets out the equipment required to be carried by an aircraft on a flight within a sparsely settled area.

*Anticipated Impact:* There will be an increase in the number of aircraft operating within sparsely settled areas and hence additional equipment costs for the operators of those aircraft. Safety will be enhanced by the requirement to carry additional emergency equipment.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.), and Air Regulations, c. R.C. 1978, c. 2, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 745-TC

### **AIRPORT ZONING – HEIGHT RESTRICTIONS**

Airport Zoning Regulations for Baker Lake, Carp, Charlottetown, Chatham, Chesterfield Inlet, Eskimo Point, Fort Francis, Geraldton, Gore Bay, Hamilton, Kenora, Moncton, Moosonee, Nanaimo, Peterborough, Pickering, Port Hardy, Red Lake, Rimouski, St. Anthony, Sioux Lookout, Stratford, Swan River, Thompson, Thunder Bay, Toronto (Pearson), Waterloo-Wellington, Weyburn, Windsor, Yarmouth limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites on lands adjacent to or in the vicinity of the airports.

*Anticipated Impact:* These regulations only affect those landowners who hold property adjacent to or



in the immediate vicinity of the airports and have no impact on the general society or the economy. The impact will be increased safety of aircraft manoeuvring in the vicinity of the airport.

*Statutory Authority:* An Act to amend the Aeronautics Act, R.S.C. 1985, c. 33(1st Supp.)

*Expected Date of Publication:* Throughout 1989

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## MARINE TRANSPORTATION/ CANADIAN COAST GUARD

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746-TC

### SMALL FISHING VESSEL INSPECTION REGULATIONS – BUNKERS

These amendments are intended to improve safety standards with respect to fuel bunkering storage and use. In particular, they will improve safety on small fishing vessels fitted with gasoline-fuelled engines. Such improvements include space ventilation and operational procedures.

*Anticipated Impact:* Ship damage and, at times, total ship loss, following fuel vapours explosion and fire, will be reduced. Through enforcement procedures personal injury to crews will be reduced; the need for search and rescue missions should also be minimized.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985 c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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747-TC

### BURLINGTON CANAL REGULATIONS

This is a safety-related issue. This amendment will metricize these regulations, and clarify certain safety and compliance provisions that the Standing Joint Committee for the Scrutiny of Regulations considers unclear and not in keeping with current legal practices.

*Anticipated Impact:* There will be no adverse economic or social costs.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Third Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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748-TC

### MARINE MACHINERY REGULATIONS

These amendments will update the existing Marine Machinery Regulations. They combine a number of existing regulations and take into account the requirements of the 1974 Safety of Life at Sea (SOLAS) Convention, its 1978 Protocol, 1981 and 1983 Amendments. The Convention and its Protocol are in force internationally. Regulations applicable to the electrical systems of ships, previously included in the document, have been removed in order to facilitate separate regulatory coverage; the title has therefore been amended.

*Anticipated Impact:* Little impact is foreseen as the new regulations will utilize, where at all possible, the rules and codes of International Ship Classification Societies. Furthermore international shipping is presently required to meet the 1974 SOLAS Convention, its Protocol and Amendments.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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749-TC

### GREAT LAKES SEWAGE POLLUTION PREVENTION REGULATIONS

Current Canadian regulations require that all commercial ships, while in the Great Lakes system be fitted with approved monitoring equipment for marine sanitation devices. Because United States regulations do not contain a similar provision, problems have arisen in fulfilling the provisions of the Great Lakes Water Quality Agreement as it pertains to U.S./Canadian Coast Guard cooperation. The proposed regulatory amendment would permit

periodic testing and analysis of sewage effluent from marine sanitation devices to be accepted as an equivalent to the fitting of a monitor.

*Anticipated Impact:* Costs for the monitors are estimated at \$10,000 per unit, while annual testing of effluent would cost approximately \$300 for each six-week period that a ship operates in the Great Lakes.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Third Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 750-TC

### VESSEL TRAFFIC SERVICES REGULATIONS

These regulations enable Coast Guard personnel to provide advice, guidance or mandatory instruction to vessels operating in Canadian waters to ensure safe, expeditious traffic flow. They will also replace the existing mix of mandatory and voluntary rules with a common regulatory regime applied nationally. The amendment was published in the *Canada Gazette*, Part I on July 2, 1988.

*Anticipated Impact:* These regulations will contribute to the protection of lives, shipping, property and the environment.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 751-TC

### EASTERN CANADA TRAFFIC ZONE REGULATIONS

These regulations establish a Vessel Traffic Services system which will monitor and screen Canadian and foreign vessels inbound to eastern Canada. Vessels over 500 Gross Registered Tons are required to provide specific information as to their condition, cargo, and compliance with Canadian regulations. Vessels identified as being in a non-compliant state, or which have defective equipment onboard, are given instructions on how to compensate for the

situation. This initiative follows the enactments of amendments to the Canada Shipping Act. The revised Section 730 no longer provides legislative authority for the Eastern Canada Traffic Zone Regulations (ECAREG); therefore, new regulations must be written under a new section of the Canada Shipping Act to maintain regulatory continuity. The amendment was published in the *Canada Gazette*, Part I on July 2, 1988.

*Anticipated Impact:* Because there is no net regulatory difference between these regulations and the former regulations, there will be no additional regulatory burden placed on the marine industry.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 752-TC

### DECLARATION OF PUBLIC HARBOUR

The Public Harbours and Port Facilities Act provides for the declaration of public harbours by order of the Governor in Council. It is intended to declare Argentia, Newfoundland as a public harbour.

*Anticipated Impact:* The proposal will have a minor impact on the users of public harbours. The declaration of a public harbour would result in the Public Harbours Regulations being applicable. These regulate vessel activity and provide for the imposition of harbour dues, to a maximum of twice annually in any public harbour. The proposal would enable the appointment of a harbour master to oversee the day-to-day operation of the public harbour thereby contributing to the attainment of safety and security objectives.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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753-TC**SHIP SOURCE OIL POLLUTION FUND REGULATIONS**

These regulations are required for the purpose of annually adjusting the levy and the limit of liability of the Ship Source Oil Pollution Fund (SSOPF) and also for determining the rate of interest earned on funds in the SSOPF. Additionally, these regulations set out the manner in which information concerning movement of oil is filed, for the purpose of calculating the amount of any obligations which the SSOPF may have to the International Oil Pollution Compensation Fund.

*Anticipated Impact:* The impact of these amended regulations will be minor. These regulations will marginally increase the paperburden on receivers of oil.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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754-TC**EMERGENCY POSITION INDICATING RADIO BEACON REGULATIONS**

This is a safety-related issue providing improved means to find the survivors of shipping casualties. The 1983 Chapter III of Safety of Life at Sea (SOLAS) 1974 requires carriage of Emergency Position Indicating Radio Beacons (EPIRBs) on Convention ships. A need to improve the ability to locate ships in distress and survivors of shipwrecks has been identified. Carriage requirements for ships to be fitted with Indicating Radio Beacons will be addressed.

*Anticipated Impact:* The manufacturing sales and service of EPIRBs will be facilitated. Each EPIRB required to be carried will cost approximately \$2,000; this cost will be borne by the users. Improved search and rescue will result, combined with substantial savings in human resources and equipment.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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755-TC**SHIP STATION TECHNICAL REGULATIONS**

This proposed amendment is complementary to the proposed regulations respecting Emergency Position Indicating Radio Beacons (EPIRBs). This is a safety-related issue addressing the technical characteristics, installation, operation and inspection of EPIRBs required to be carried on board ships. EPIRBs allow for the alerting of shore-based Search and Rescue (SAR) services either by automatic, in the case of a ship sinking, or by manual means for other distress situations. These devices provide a high level of location accuracy, to within 5 kilometres, and operate on a world-wide basis including all areas of the Canadian Arctic through the COSPAS/SARSAT satellite system. There will be a float-free device for automatic or manual operation and a Class II which will be a hand-held manually operated device that can be taken on board survival craft.

*Anticipated Impact:* It is anticipated that, as a direct result of the new regulations, the safety of life at sea will improve and a more efficient use of SAR resources will be made. Additional costs imposed by these regulations are estimated to be about \$2,000 per EPIRB. It will also provide an opportunity for Canadian industry to participate in the development of new technology with international application.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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756-TC**SMALL FISHING VESSEL SAFETY REGULATIONS**

These proposed regulations will replace the existing Small Fishing Vessel Inspection Regulations. They are intended to meet the recommendations made in a Coast Guard Study on Fishing Vessel Safety whereby the existing regulations should be updated and rewritten. They will also introduce significant changes in order to comply with comments made by the Standing Joint Committee for the Scrutiny of Regulations.

*Anticipated Impact:* It is considered that the amendments to the regulations will have considerable impact on the industry. Full consultation with industry and the labour unions will take place at the Canadian Coast Guard Marine Advisory Council prior to finalization of the draft Regulatory Impact Analysis Statement.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 757-TC

### CERTIFICATION REGULATIONS

These regulations are required as a result of amendments to the Canada Shipping Act. They will also implement the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. All current regulations dealing with qualifications for ships' personnel are to be revoked and their provisions amended to reflect the above Convention. The existing regulations will be consolidated into these Certification Regulations.

*Anticipated Impact:* As these sections are largely a consolidation of existing regulations, changes are limited to those provisions which implement the Convention and which are not presently a feature of the Canadian crew certification system. This regulatory initiative is designed to increase the safety of ship operations by improving the qualifications and proficiency of key crew members. The total estimated cost to government and industry of these additional measures is \$23.5 million over a five-year period or approximately \$4.7 million annually.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 758-TC

### MANNING OF SHIPS

These regulations are required as a result of amendments to the Canada Shipping Act. In concert with the revision of the Certification Regulations, all current regulations - four in number - dealing with the manning of ships, and the carriage of these certificated persons, are to be revoked and their provisions consolidated in the Ship Manning Regulations. These regulations will also address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

*Anticipated Impact:* As these sections are almost wholly a consolidation of existing provisions, there will be no significant social or economic cost impact.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 759-TC

### NAUTICAL PROCEDURES AND PRACTICES REGULATIONS

The proposed regulations are intended to address human resource and equipment requirements on board a ship by prescribing the basic procedures and practices that must be applied by personnel in the safe operation and navigation of ships. These regulations will also meet Canada's obligation to make such regulations in accordance with an international convention.

*Anticipated Impact:* There will be no adverse impact arising from these new regulations. They will clearly regulate the important duties to be carried out by persons on board ships. Such functions have evolved effectively and safely from the ordinary practice of prudent mariners. The regulations will therefore require mariners to follow accepted good standard practices related to safety and pollution prevention.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 760-TC

### **POLLUTION INCIDENT REPORTING REGULATIONS**

The MARPOL 73/78 Convention recognizes that a vessel casualty or an accidental discharge from a ship may give rise to serious pollution or threat of pollution to the marine environment. The Convention provides that such incidents should be reported without delay to the fullest extent possible in order to facilitate any necessary counter-pollution actions by coastal states that might be affected. Following accession to the Convention, Canada is bound by these requirements, which have been reflected in the proposed regulations.

*Anticipated Impact:* As similar reporting procedures are required under the current Oil Pollution Prevention Regulations, there will be no significant social or economic impact.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 761-TC

### **OIL POLLUTION PREVENTION REGULATIONS**

There is a need to protect the marine environment from pollution which originates from operational and accidental discharges of oil from ships. In order to satisfy this need, the International Maritime Organization established the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78). Following accession to this Convention, Canada must enact these regulations, which include Annex I (Oil). The regulations are divided into two parts. Part I, which applies to Canadian internal waters and fishing Zones 1, 2 and 3 continues the current regime of prohibition of oil discharge into the water. Part II, which applies to territorial sea, Fishing Zones 4, 5 and 6 and to Canadian ships in waters other than Canadian waters, applies the MARPOL 73/78 regime. These requirements, for relevant Canadian ships over 400 gross tons, include surveys, the issuance of oil pollution prevention certificates, the fitting of oily-water separators and filters, oil discharge monitoring and control systems, sludge tanks, and

standard discharge connections. In addition, for Canadian oil tankers over 150 gross tons, it provides for the fitting, when relevant, of slop tanks, segregated ballast systems, dedicated clean ballast systems, crude oil washing systems, and oil/water interface detectors. It also provides for a continuation of the current limitation of size and arrangement of cargo tanks and subdivision and stability requirements.

*Anticipated Impact:* Regardless of whether Canada accedes to the Convention, most ships trading internationally are now obliged to comply with MARPOL 73/78 as a condition of entry to foreign ports. The initial costs to Canada of implementing the provisions of Annex I (Oil) of the Convention are estimated at \$6.5 M, with an additional expenditure of \$7.5 M over a 10-year period following accession. Since the Convention is now in force internationally, most Canadian foreign-going ships have already been equipped and inspected to MARPOL 73/78 standards. Moreover, the costs associated with Annex I (Oil) of the Convention should already be reflected in world-wide freight rate charges, hence the Canadian consumer should not observe any noticeable increase in prices as a result of implementing these provisions. Social benefits of the new regulations will accrue, both nationally and internationally, in the form of a cleaner marine environment and will be manifested in improved recreational amenities, including health and aesthetic improvements. All elements of the shipping industry have been consulted over the past several years on the proposed introduction of these regulations. These regulations replace the current Oil Pollution Prevention Regulations and the Non-Canadian Ships Compliance Certificate Regulations, which will be revoked.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 762-TC

### **NOXIOUS LIQUID SUBSTANCES REGULATIONS**

There is a need to protect the marine environment from pollution which originates from operational and accidental discharges of noxious liquid substances carried in bulk by ships. In order to satisfy this need the International Maritime Organization established the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78). Following accession to this Convention, Canada must enact these

regulations in order to give effect to Annex II of MARPOL 73/78 (Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk), which is one of the two mandatory annexes of the Convention.

**Anticipated Impact:** Regardless of whether Canada accedes to the Convention, most ships trading internationally are now obliged to comply with MARPOL 73/78 as a condition of entry to foreign ports. Costs for the conversion of chemical tankers to meet Annex II provisions could be up to \$520 K per ship, however, very few chemical tankers operate under the Canadian flag. Since Annex II of MARPOL 73/78 has been in force internationally since April 6, 1987, most Canadian foreign-going chemical tankers have already been equipped and inspected to MARPOL 73/78 standards. Moreover, the costs associated with Annex II of MARPOL 73/78 should already be reflected in world-wide freight rate changes, hence the Canadian consumer should not observe any noticeable increase in prices as a result of implementing these provisions. Social benefits will accrue, both nationally and internationally, in the form of a cleaner marine environment and will be manifested in improved recreational amenities, including health and aesthetic improvements. All elements of the shipping industry have been consulted over the past several years on the proposed introduction of these regulations.

**Statutory Authority:** Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 763-TC

### FIRE PROTECTION, DETECTION AND EXTINGUISHING EQUIPMENT REGULATIONS – SOLAS

These regulations are a rewrite of the existing Fire Equipment Regulations and harmonize our requirements with the amended 1974 Safety of Life at Sea (SOLAS) Convention and allow for alternative systems and equipment and will apply to new ships construction and replacement equipment on existing ships.

**Anticipated Impact:** These regulations specify detailed provisions for fixed fire-extinguishing and fire detection and alarm systems. The requirement for fitting such systems originates with the Hull Construction Regulations. Therefore, the Regulatory Impact Analysis Statement (RIAS) will be carried out taking both regulations into account.

**Statutory Authority:** Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 764-TC

### SAFETY CONVENTION SHIP CERTIFICATE REGULATIONS

These regulations will be amended to prescribe a new format for Ship Inspection Certificates for ships required to meet the terms of the 1974 Safety of Life at Sea (SOLAS) Convention, its 1978 Protocol and Amendments all of which are now in force internationally.

**Anticipated Impact:** The impact is simply a change in format for the new certificate. The minimal costs involved for the new forms will be borne by the government.

**Statutory Authority:** Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 765-TC

### HULL CONSTRUCTION REGULATIONS – HOTEL SHIPS SOLAS UPDATE

The Hull Construction Regulations presently in force include requirements for the stability and subdivision of passenger ships in accordance with the International Convention for the Safety of Life at Sea, 1960 (SOLAS). The primary purpose of the proposed amendment is to implement the updated requirements of SOLAS 1974, as amended by the 1978 Protocol to the Convention and Resolutions MSC 1 (XLV) and MSC 6 (48) of the International Maritime Organization.

**Anticipated Impact:** These amendments reflect technological developments in ship design and should have no significant impact with respect to ship construction costs. There will be no direct impact on any other sector of the Canadian society or economy.



*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 766-TC

### LIFE SAVING EQUIPMENT REGULATIONS

This amendment is a safety-related issue which addresses lifesaving equipment on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory of this Convention and thus has to comply with the new requirements. A revision of the subject regulations will bring Canadian legislation in line with SOLAS.

*Anticipated Impact:* The new regulations will be easier for the user to understand. Canadian ships will be accepted in foreign Convention ports as being in compliance and Canadian manufacturers of lifesaving equipment will meet international standards, enabling them to sell abroad. Passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. Additional costs imposed by these regulations will not exceed \$500,000 per vessel and in cases of some smaller ships, could result in savings because more choices will be available. The regulations apply mainly to new vessels on Convention voyages, which represent less than five per cent of the Canadian commercial fleet. New domestic vessels and existing vessels will be affected to a lesser degree.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 767-TC

### SHIP Station TECHNICAL REGULATIONS

This amendment is directly related to the proposed Life Saving Equipment Regulations Amendment. It addresses a safety-related issue concerned with lifesaving equipment on ships. An amendment to

the Life Saving Equipment Regulations will require certain Canadian ships to carry one or more portable two-way VHF radiotelephones for communications between survival craft and ship, and between ship and rescue boat. The apparatus will be portable and be so designed that it can be used in an emergency by an unskilled person.

*Anticipated Impact:* Passengers and crews of Canadian ships will be better protected in the event of a marine emergency by being provided with an effective means of communication with Search and Rescue forces. Additional costs imposed by this amendment are estimated to be about \$1,000 per unit for those ships required to comply with the regulations.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 768-TC

### CHARTS AND PUBLICATIONS REGULATIONS

The amendments to these regulations will be dealt with in two separate stages. 1. Stage one amendments require the carriage of two new publications and permits the transfer of two other publications which were contained in the revoked Navigating Appliances Regulations. This initiative will consolidate similar provisions under the general subject of charts and publications. 2. During the second stage, the regulations will be consolidated. The present regulations are sub-divided into two parts which respectively apply to ships in Canadian waters and fishing zones and to Canadian ships in waters other than Canadian waters and fishing zones. Many of the provisions in these two parts are identical and should be consolidated. This consolidation will simplify the format, avoid unnecessary, repetitive measures and generally make the regulations easier to understand. The revision will also update the regulations by recognizing the production and inventory of international nautical charts in accordance with a program developed by the International Hydrographic Organization (IHO). These international nautical charts are developed regionally for areas where there is significant international shipping. Each chart is part of the international chart series which is coordinated world-wide by the IHO.

*Anticipated Impact:* There will be no adverse economic or social costs.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended and Arctic Waters Pollution Prevention Act, R.S.C. 1985, c. A-12, as amended

*Expected Date of Publication:* Stage one and stage two amendments - Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 769-TC

### **PUBLIC HARBOURS REGULATIONS – TARIFF**

An amendment to the Public Harbours Regulations is required to increase the number of times - from two to three annually - that harbour dues will be assessed. It will also introduce a new category of charges which will be assessed on vessels normally operating within a public harbour. The amendment would enable the Harbours and Ports Directorate to move more closely towards the manner of assessing harbour dues in line with other port systems. The proposal will come into effect in early 1989.

*Anticipated Impact:* No major impact is anticipated as a result of this proposal. Some impact will be felt by those classes of vessels for which the new charge is being proposed. Charges under the Public Harbours Regulations were last increased in June 1986, but prior to that time increases had been relatively infrequent and generally of a small magnitude. The amendment is required in support of the federal government's deficit reduction initiatives.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 770-TC

### **GOVERNMENT WHARVES REGULATIONS – TARIFF**

An amendment to the Government Wharves Regulations is required to increase wharfage, berthage, storage, and summer and winter lying-up charges by nine per cent. Related changes to the regulations respecting the imposition of these charges are also required. A small number of new commodities

may be subject to the revised tariff to the wharfage charges tariff structure and other minor changes may be made. The proposal will come into effect in early 1989.

*Anticipated Impact:* The proposal would affect all users of public port facilities and would increase the charges levied for use of these facilities. Charges under the Government Wharves Regulations were last increased in June 1986. Prior to that time, increases had been relatively infrequent and generally of a small magnitude. The increases are required in support of the federal government's deficit reduction initiative. The proposal is based on an across-the-board increase to most charges, in order to achieve equity among all users.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 771-TC

### **TONNAGE MEASUREMENT OF SHIPS – 1969 CONVENTION**

Prior to registration in Canada a ship must be measured to ascertain its tonnage. Canada proposes to adopt the International Convention on Tonnage Measurement of Ships, 1969. The Canada Shipping Act empowers the Governor in Council to make regulations to implement the International Convention on Tonnage Measurement of Ships, 1969.

*Anticipated Impact:* The regulation will enable Canadian ship owners engaged in international trade to comply with the tonnage measurement requirements of states that have adopted the 1969 Convention.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 772-TC

**COLLISION REGULATIONS**

This is a safety-related issue. This revision and consolidation of the regulations will make important changes updating safety provisions including changes arising from the 1987 amendments to the Canada Shipping Act, and several important national modifications; amendments adopted by the International Maritime Organization will also be included. These regulations give effect to the International Convention on the Prevention of Collisions at Sea, 1972 which is periodically amended, particularly when it is found that a compelling need for change exists. The consolidation of the many amendments to these regulations will facilitate their understanding and compliance.

*Anticipated Impact:* There will be no adverse impacts arising from these changes which principally modify the "steering and sailing" rules, provide the Government with additional guidance on decisions concerning technical requirements and also include changes which are consequential to amendments to the Canada Shipping Act. The incorporation into a consolidated version, of many amendments accruing since 1977, some of which are both lengthy and complex, is considered essential to the interests of safety which will be greatly enhanced through a greater facility on the part of the mariner to interpret and comply with these operational regulations.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 773-TC

**REMISSION AND SUBSTITUTION OF RATES REGULATIONS**

Under section 7 of the Public Harbours and Facilities Act, the Governor in Council, on recommendation of the Minister of Transport, may make regulations specifying the circumstances under which the Minister may forgive charges imposed upon public port users, under the Public Harbours Regulations or the Government Wharves Regulations. Currently there are three such circumstances specified under the Remission or Substitution of Rates Regulations. It is proposed to add an additional circumstance to allow the Minister to forgive the container charges assessed against resupply operations to remote communities under the Government Wharves Regulations. Representations

have been made by resupply operators for an exemption from these charges. The proposal will come into effect in mid 1989.

*Anticipated Impact:* The remission of the container charges for resupply operations will result in foregone Transport Canada revenues of approximately \$150,000 per annum.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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## 774-TC

**HARBOUR MASTER AND WHARFINGER REMUNERATION REGULATIONS**

The Public Harbours and Port Facilities Act provides for the remuneration of harbour masters and wharfingers by order of the Governor in Council. Harbour masters and wharfingers administer public ports and are compensated on a commission basis from a percentage of the fees collected from port users. It is the intent to improve the structure and level of remuneration for these fees-of-office appointees for the work required in the management of public ports. The exact change in structure and level of remuneration will not be known until completion of a current study of harbour master and wharfinger compensation. The present scale of commission has not been amended for 25 years and requires updating to reflect the current operational environment. In 1986/87 the average commission paid to a harbour master and wharfinger was \$3,052. The proposal will come into effect in late 1989.

*Anticipated Impact:* Minor impact is anticipated as a result of this proposal. The proposal will ensure adequate compensation for harbour masters and wharfingers and ensure effective management of public port facilities. There will be no change in the level of charge to public port users as a result of this initiative.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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775-TC**SMALL FISHING VESSEL INSPECTION  
REGULATIONS – GLASS REINFORCED PLASTIC**

This amendment results from the capsizing of two small fishing vessels built of glass reinforced plastic and several complaints about the stability and handling characteristics of these vessels. The amendment will require stability data to be submitted for new small fishing vessels built of glass reinforced plastic.

*Anticipated Impact:* This amendment will cause a moderate additional cost to the fishing industry as these vessels have to be inclined and stability information developed. Additional contacts with interested parties are planned. No impact is foreseen with respect to any other sector of the Canadian society or economy. The amendment will increase the stability aspects for improved safety.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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776-TC**SMALL FISHING VESSEL INSPECTION  
REGULATIONS – PROTECTION**

This is a safety-related issue resulting from the findings of courts of inquiry into marine casualties. The regulations will be amended to require inflatable life rafts, boats and thermal protection for seafarers on small fishing vessels.

*Anticipated Impact:* The proposed additional fitting of boats and life rafts on board certain small fishing vessels will result in an industry wide cost of approximately \$64,000,000 offset to some extent by voluntarily fitted vessels. Annual servicing costs will amount to about \$4,000,000. The proposed thermal protective clothing for fishermen on small vessels will cost in the order of \$200 to \$500 each. Lives will be saved which otherwise might be lost. Canadian protective clothing manufacturers will have a competitive product for foreign markets.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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777-TC**LARGE FISHING VESSEL INSPECTION  
REGULATIONS – MEANS OF ESCAPE**

This amendment stems from recommendations of a Court of Inquiry into the sinking of two fishing vessels, "*Stanley Clipper*" and "*Jorge B*". The Court recommended that crew accommodation quarters be provided with at least two escape routes, where only one escape route, such as exit door or hatch, currently exists.

*Anticipated Impact:* This amendment will cause a minimum additional cost to the fishing industry as the secondary means of escape may be a window or a scuttle of adequate size. No impact is foreseen with respect to any other sector of the Canadian society or economy.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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778-TC**HULL INSPECTION REGULATIONS**

There is a need to update certain sections of the regulations as well as to implement the recommendations made by the Court of Inquiry concerning the loss of the ferry "*William Carson*" off the coast of Labrador on June 3, 1977. These deal with the hull thickness gauging requirements of a ship.

*Anticipated Impact:* The amendment will make Coast Guard inspection procedures complementary with classification societies' requirements and will thus contribute to increased ship operational efficiency. No significant impact is foreseen with respect to any other sector of the Canadian society or the economy.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*



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**779-TC****HULL CONSTRUCTION REGULATIONS – LAKE SIDE TANKS**

An inquiry following the sinking of a Great Lakes vessel highlighted the vulnerability of the design of certain lake ships to flooding as a result of relatively minor shell damage. This amendment will require effective measures to prevent cargo hold flooding in the event of minor side or bottom damage to dry cargo vessels.

*Anticipated Impact:* This amendment applies only to dry cargo vessels operating on inland waters. The amendment reflects normal practice with regard to modern lake ship design and will not cause additional cost to the ship building industry. No impact is foreseen with respect to any other sector of the Canadian society or economy.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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**780-TC****HULL CONSTRUCTION REGULATIONS – SAFETY**

A regulatory review identified the necessity of certain changes to the drafting of these regulations in English and French to make both texts concordant. These changes were suggested by the Standing Joint Committee for the Scrutiny of Regulations.

*Anticipated Impact:* This amendment will have no impact on any sector of the Canadian society or economy.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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**781-TC****BOATING RESTRICTION REGULATIONS**

These routine amendments are made to improve the safety of boating activities on specified bodies of water as requested by the Provinces of British Columbia, Alberta, Manitoba, Ontario and Nova Scotia. Requests for amendments to schedules for the restriction of boating on specified waters are submitted by the above provinces on a semi-annual basis.

*Anticipated Impact:* These amendments will improve the safety of navigation on designated waters. There will be no cost to the federal government and a minor cost to the provinces/municipalities requesting the restrictions (costs of erecting signs, police enforcement).

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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**782-TC****SHIP STATION RADIO REGULATIONS**

The Canadian Aviation Safety Board recommended that the Department of Transport require all Coast Guard primary search and rescue (SAR) vessels capable of offshore operations, and supply boats to Mobile Offshore Drilling Units (MODU) to be equipped with a very high frequency (VHF) direction finding system. The recommendations resulted from an investigation into aircraft and marine casualties. A Coast Guard Study into Fishing Vessel Safety made two recommendations that would require (1) all decked fishing vessels of over eight metres in length be fitted with a VHF radio telephone installation, and (2) all new marine VHF radios be fitted with dual watch capabilities. This amendment will generally give effect to these Safety Board and Study recommendations.

*Anticipated Impact:* This amendment would make it possible for SAR and MODU supply vessels to more readily locate suitably equipped units which are in distress. It would also require smaller vessels to fit a VHF radiotelephone for distress purposes. The amendment would be applied not only to fishing vessels but to all small vessels because the need for adequate distress communications is common to all vessels. There would be costs for VHF locating equipment and radiotelephones. Many small vessels of this size are already fitted with VHF

radiotelephones therefore the impact should not be significant. This initiative was discussed at the May 1988, meeting of the Canadian Coast Guard Marine Advisory Council.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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#### 783-TC

### POLLUTANT SUBSTANCES REGULATIONS

Following introduction of the Noxious Liquid Substances Regulations, which implement the provisions of Annex II to the International Convention on the Prevention of Pollution from Ships 1973 and its 1978 Protocol (MARPOL 73/78), it will be necessary to limit the area of application of the Pollutant Substances Regulations to the internal waters of Canada. Waters of the territorial sea and exclusive economic zone will fall under the MARPOL Annex II regime while a total prohibition on the discharge of pollutant substances will continue to apply in Canadian internal waters.

*Anticipated Impact:* Since a total prohibition of discharge of pollutant substances currently applies in Canadian internal waters, there will be no significant change as a result of this amendment.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 784-TC

### NON-SAFETY CONVENTION SHIP CERTIFICATE REGULATIONS

These regulations will be amended to prescribe a new format for Ship Inspection Certificates for ships not required to conform to the 1974 Safety of Life at Sea (SOLAS) Convention, and its amendments. The new regulations will delete some redundant certificate forms and revise existing certificates in order

to meet the requirements of recent amendments to the Canada Shipping Act.

*Anticipated Impact:* The impact is simply a change in format for the new certificate. The minimal costs involved for the new forms will be borne by the government.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 785-TC

### TONNAGE MEASUREMENT OF SHIPS: CANADA SHIPPING ACT

Prior to registration in Canada a ship must be measured to ascertain its tonnage. The present method of measuring a ship for tonnage was contained in the previous Canada Shipping Act, Sections 94 to 99 and Schedule I. The amended Canada Shipping Act repeals Sections 94 to 99 and empowers the Governor in Council to make regulations with respect to determining the dimensions and tonnage of ships to be registered under the act.

*Anticipated Impact:* The regulation will comprise the present provisions for tonnage measurement contained in the Canada Shipping Act, therefore, there will be no change to the existing circumstances.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 786-TC

### ARCTIC SHIPPING POLLUTION PREVENTION REGULATIONS

Minor amendments to these regulations are necessary to allow one-time or limited extensions of the periods during which certain ships or classes of ships are permitted to navigate in Arctic waters. This amendment is a response to recurring requests received from the shipping industry.



*Anticipated Impact:* There is no additional cost imposed on the shipping industry as a result of this amendment. Changes in cost to the government should be negligible as existing resources are already allocated to the required functions.

*Statutory Authority:* Arctic Waters Pollution Prevention Act, R.S.C. 1985, c. A-12, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 787-TC

### AIDS TO NAVIGATION PROTECTION REGULATIONS

Amendments are required to delete Section 4 of the regulations, on the recommendation of the Standing Joint Committee for the Scrutiny of Regulations; increase the maximum fine applicable to offences under the Regulations from \$50 to \$200 to comply with the maximum permitted by the Canada Shipping Act; and change the title of the Canadian Coast Guard official named.

*Anticipated Impact:* The deletion of Section 4 will have no impact on the protection of aids to navigation because similar provisions appear in the Criminal Code (Section 395). The increase in the level of fines will tend to encourage the reporting of accidental damage to aids and will increase navigation safety.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 788-TC

### SMALL VESSEL REGULATIONS

The Construction Standards for Small Vessels are currently under revision and it is proposed to reference the new standards in the regulations. The standards are being revised and expanded at the request of the boating public to provide updated safety standards for installations in small vessels. At the request of industry and law enforcement bodies, clarification of the application of Capacity Plates referenced in the standards, will also be included in the amendment.

*Anticipated Impact:* The revised standards will provide the boating public with a higher degree of safety in most pleasure craft and other small vessels. Technological advances will be reflected in the requirements for various installations. Canadian manufacturers will have a competitive product for foreign markets. The total costs to the consumer as a result of the introduction of this amendment have been tentatively estimated at \$3.5 M.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 789-TC

### SMALL VESSEL REGULATIONS – SOLAS

The technical specifications of certain items of safety equipment required by the Small Vessel Regulations correspond with those in the Life Saving Equipment Regulations currently being amended to reflect the revisions to Chapter III of Safety of Life at Sea (SOLAS) 1974. These specifications are being revised accordingly in the Small Vessel Regulations.

*Anticipated Impact:* The regulations will be easier for the user and the manufacturer to understand. As the equipment will meet international standards, Canadian manufacturers will be able to sell abroad. The boating public will be better protected in the event of a marine emergency. Additional costs for approximately 200,000 affected boats will be in the region of \$60 per boat.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 790-TC

### PLEASURE CRAFT SEWAGE POLLUTION PREVENTION REGULATIONS

The problem of sewage pollution from pleasure craft has become a cause of concern in certain areas of

the country. The new regulations will prohibit the discharge of sewage from pleasure craft into designated navigable waters. The bodies of water to be designated in the regulations will be nominated by provincial government authorities, on the understanding that they would be provided with suitable pump-out reception facilities to receive sewage wastes from pleasure craft.

*Anticipated Impact:* Holding tank installation costs, where necessary, will amount to approximately \$100 to \$500 per pleasure craft operating in designated waters, plus pump-out charges of up to \$50 annually. Costs for pump-out stations are estimated at \$10,000 to \$50,000 per facility. Extent of application will be dependent upon provincial government priorities. Social benefits will accrue in the form of improved recreational facilities, enhanced fish and wildlife habitat, improved property values, decreased health hazards and less costly water treatment facilities. A detailed impact analysis assessment indicates that benefits to society from the new regulations will exceed costs.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 791-TC

### **PUBLIC HARBOURS AND PUBLIC PORT FACILITIES DESIGNATION REGULATIONS**

The Public Harbours and Port Facilities Act requires the designation by the Governor in Council of public harbours and public port facilities where harbour masters and wharfingers may be appointed. The Standing Joint Committee for the Scrutiny of Regulations has requested that these regulations be made.

*Anticipated Impact:* This regulation is required for administrative purposes only and therefore minor impact is anticipated.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 792-TC

### **GOVERNMENT WHARVES REGULATIONS**

Amendment of the Government Wharves Regulations is required to make minor changes to the definition section in accordance with requests by the Standing Joint Committee for the Scrutiny of Regulations. The proposal will also include several "housekeeping" changes.

*Anticipated Impact:* The amendments are administrative and are considered minor in nature.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 793-TC

### **PUBLIC HARBOURS REGULATIONS**

Amendment of the Public Harbours Regulations is required to reflect changes requested by the Standing Joint Committee for the Scrutiny of Regulations and to eliminate inconsistencies and duplication between regulations made pursuant to other statutes. The proposal will revoke certain sections which are no longer relevant and make minor necessary changes. Certain amendments will also be made to address anomalies in the tariff structure, and to clarify the application of the tariffs.

*Anticipated Impact:* The impact will be minor. The proposal will make minor housekeeping changes to existing provisions and will ensure consistency with other regulations.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 794-TC

**PUBLIC HARBOURS AND GOVERNMENT WHARVES REGULATIONS – INTEREST ON OVERDUE ACCOUNTS AMENDMENT**

The purpose of this amendment, is to reduce outstanding accounts receivable related to fees charged pursuant to the Public Harbours Regulations and Government Wharves Regulations by adding an interest clause. Transport Canada is responding to government-wide efforts to improve cash flow, increase revenues and decrease costs. This proposal is in keeping with the initiative of the Comptroller General's Office to amend the Financial Administration Act giving authority to fix the rate of interest on unpaid rates, tolls, fees or other charges.

*Anticipated Impact:* This amendment could result in additional costs to users of public port services and facilities if amounts owed to Transport Canada are not paid on time. However, the charging of interest on overdue accounts is an accepted business practice intended to provide an incentive for debtors to pay accounts on time. The intent is to encourage more timely payment and reduce the outstanding accounts receivable balance.

*Statutory Authority:* Public Harbours and Port Facilities Act, R.S.C. 1985, c. P-29, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 795-TC

**NAVIGATION APPLIANCES AND EQUIPMENT REGULATIONS**

Technical standards concerning navigating appliances and equipment are currently presented in a separate departmental publication. This amendment will incorporate these technical standards directly into the regulations and schedule the truly technical standards material to the regulations by reference. This initiative is in response to concerns from the Standing Joint Committee for the Scrutiny of Regulations in relation to the way that the present regulations deal with the standards.

*Anticipated Impact:* There will be no adverse economic or social costs since the amendment will transfer the existing standards into the regulations.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended and Arctic Waters Pollution Prevention Act, R.S.C. 1985, c. A-12, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 796-TC

**SHIP REGISTRATION FORM REGULATIONS**

Existing forms have remained substantially unchanged since the early 1800s. The proposed amendments will revise the forms and correct minor errors and omissions.

*Anticipated Impact:* These amendments have no cost implications for industry, but reduce the number of forms required and make them easier for the public to use.

*Statutory Authority:* Canada Shipping Act, R.S.C. 1985, c. S-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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## 797-TC

**FRASER RIVER HARBOUR COMMISSION BY-LAWS**

At the request of the Standing Joint Committee for the Scrutiny of Regulations, an amendment will be made to the penalty section of the by-laws respecting punishment for any person who breaches the by-laws. This amendment will ensure that the penalties in the by-laws reflect those of the Harbour Commissions Act. The by-laws will also be amended to improve and modernize operational practices which due to technological advances have become outdated. These amendments will delete certain sections which are no longer relevant and also make other necessary changes.

*Anticipated Impact:* The impact on Canadian society is minimal. The proposal will make the minor changes requested by the Committee in order to update the by-laws.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* R. Pearce, Port Manager, Fraser River Harbour Commission, Transport Canada, 713 Columbia Street, Suite 505, New Westminster, British Columbia, V3M 1B2. Tel. (604) 524-6658

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798-TC

**FRASER RIVER HARBOUR COMMISSION  
BY-LAWS – TARIFF**

The Harbour Commission plans to amend its by-laws to increase tariff rates to maintain an adequate level of cost recovery and to keep pace with inflation. Some increases in harbour dues may be required to maintain the Harbour Commission's financial position. When the 1988 financial position of the Commission is clear at year end, the Commission will be in a position to determine whether harbour dues will need to be increased.

*Anticipated Impact:* This by-law only affects port users. It has no impact on the general public. The amount of any increase would be influenced by the need for the port to remain competitive, by the opportunities for cross-subsidization from other revenue sources, and the need for the Harbour Commission to be financially self-sufficient.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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799-TC

**HAMILTON HARBOUR ANCHORAGE AND  
BERTHAGE TARIFF BY-LAW**

This tariff by-law fixes the charges imposed for anchorage and berthage at the Harbour of Hamilton. This initiative increases the charges prescribed by the by-law to compensate for inflation and cost recovery to maintain the Harbour Commission's financial position. It also updates this by-law by consolidation of all amendments thereto into a restated by-law for clarity and more efficient by-law administration. This proposal will come into effect early 1989.

*Anticipated Impact:* Minor impact is anticipated. This by-law only affects commercial port users. There is no impact on the general public. This proposal will keep port revenues from being eroded. The increase in charges will be modest and has been influenced by the need for the port to remain competitive, the opportunity for cross-subsidization

from other revenue sources and the need of the Harbour Commission to be financially self-sufficient. No increases were applied in the last three years.

*Statutory Authority:* Hamilton Harbour Commissioners' Act, 1912, c. 98, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.R. Hennessy, Port Director, The Hamilton Harbour Commissioners, 605 James Street North, Hamilton, Ontario, L8L 1J9. Tel. (416) 525-4330

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800-TC

**HAMILTON HARBOUR CARGO RATES TARIFF  
BY-LAW**

This by-law imposes rates on cargoes landed and loaded at the Harbour of Hamilton. The initiative increases the rates prescribed by the by-law to compensate for inflation and cost recovery in order to maintain the Harbour Commission's financial position. It also updates the by-law by consolidating all amendments into a restated by-law. This will improve the clarity of the regulation and lead to more efficient by-law administration. This proposal will come into effect early in 1989.

*Anticipated Impact:* Minor impact is anticipated. This by-law only affects commercial port users. There is no impact on the general public. This proposal will keep port revenues from being eroded. The increase in rates will be modest and has been influenced by the need for the port to remain competitive, the opportunity for cross-subsidization from other revenue sources and the need of the Harbour Commission to be financially self-sufficient. No increases were applied in the last three years.

*Statutory Authority:* Hamilton Harbour Commissioners' Act, 1912, c. 98, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.R. Hennessy, Port Director, The Hamilton Harbour Commissioners, 605 James Street North, Hamilton, Ontario, L8L 1J9. Tel. (416) 525-4330

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801-TC

**HAMILTON HARBOUR COMMISSIONERS' LAND  
USE AND DEVELOPMENT BY-LAW**

This by-law establishes permitted uses in respect of certain lands at Piers 25, 26 and 27 in Hamilton Harbour. It sets out the procedures to be followed



before any of these lands may be developed or redeveloped. This proposal follows identification of a need to expand the area of the port to which these regulations will apply, to include all land within the Harbour of Hamilton owned by the Hamilton Harbour Commissioners. This initiative restates these regulations, expands the area of application and includes recommended changes thereto as requested by the Standing Joint Committee for the Scrutiny of Regulations. It will provide more efficient by-law administration.

**Anticipated Impact:** This regulation reflects general requirements for orderly development of Hamilton Harbour consistent with objectives for shipping, navigation and port development. It does not impose any new obligations or additional requirements on the occupier, user or potential user of the land of the Hamilton Harbour Commissioners or the operating position of the shipping and transportation industry. There are, therefore, no adverse effects to this regulation. There will be no impact on cost, market efficiency or employment.

**Statutory Authority:** Hamilton Harbour Commissioners Act, 1912, c. 98, as amended

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 802-TC

### NANAIMO HARBOUR COMMISSION GENERAL BY-LAW – RATES

It is intended to increase wharfage, berthage and harbour dues rates to maintain an adequate level of cost recovery and to keep pace with inflation. Wharfage rates would increase from \$1.25 to \$1.50 per 1000 foot board measure of lumber or per 2000 pound of other cargo. Any increase required in berthage and harbour dues will be determined following further analysis of Commission revenues and expenses when the Commission's 1988 financial position can be assessed and appropriate cost allocations made.

**Anticipated Impact:** This by-law affects port users only. It has no impact on the general public.

**Statutory Authority:** Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

**Expected Date of Publication:** Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 803-TC

### NORTH FRASER HARBOUR COMMISSION OPERATING BY-LAW

The North Fraser Harbour Commission has reviewed and revised the North Fraser Harbour Commission By-Laws in order to update them by deleting sections no longer applicable to current operational circumstances (e.g. reference to passage through bridges which no longer exist) and by redrafting other sections. The former by-laws have been restructured into three separate by-laws. The North Fraser Harbour Commission Operating By-law regulates activities within the harbour limits, such as movement of vessels, mooring of vessels, operation of swing span bridges and control of log booms. At the request of the Standing Joint Committee for the Scrutiny of Regulations, an amendment will be made to the penalty section of the by-law respecting punishment for breaching the by-law. This amendment will ensure that the penalties in the by-laws reflect those in the Harbour Commissions Act.

**Anticipated Impact:** The impact on Canadian society will be insignificant. The previous North Fraser Harbour Commission By-laws provided for similar controls, and the present by-law is simply a modernization of the former.

**Statutory Authority:** Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

**Expected Date of Publication:** First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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## 804-TC

### NORTH FRASER HARBOUR COMMISSION OPERATING BY-LAW – HANDLING OF DANGEROUS GOODS

The North Fraser Harbour Commission Operating By-law regulates activities within the harbour limits, such as movement of vessels, mooring of vessels, operation of swing span bridges and control of log booms. The Commission proposes to amend the by-law by adding a section to regulate the transportation, handling or storing within the harbour limits of explosives or other substances that, in the opinion of the Commission, constitute or are likely to constitute a danger or hazard to life or property.

*Anticipated Impact:* The by-law will improve safety for port users. There could be a limited indirect impact cost to certain port users who handle dangerous goods in that they would have to handle them in accordance with the by-law, e.g. limited size loads.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 805-TC

### **NORTH FRASER HARBOUR COMMISSION TARIFF BY-LAW**

The North Fraser Harbour Commission Tariff By-law sets out the rate levels for harbour entries and cargo rates and prescribes the application of these rates. The North Fraser Harbour Commission has reviewed and revised the North Fraser Harbour Commission By-laws in order to update them by deleting sections no longer applicable and by redrafting other sections. The former by-laws have been re-structured into three separate by-laws.

*Anticipated Impact:* The tariff of rates contained in this by-law is the same as that contained in the existing North Fraser Harbour Commission By-laws. It has minimal impact on the Canadian society and no financial impact on port users.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 806-TC

### **NORTH FRASER HARBOUR COMMISSION TARIFF BY-LAW – RATES**

The North Fraser Harbour Commission Tariff By-law sets the rate levels for harbour entries and cargo rates and prescribes the application of these rates. Some increases in rates prescribed by the above by-laws may be required to maintain the Harbour Commission's financial position. When the 1988

financial position of the Commission is clear at year end, the Commission will be in a position to determine whether any of the rates established by these by-laws will need to be increased.

*Anticipated Impact:* The rates in question have been in effect for 30 years. The Commission proposes changes to align revenues closer to expenditures for harbour operations. The amount of any increase would be influenced by the need for the port to remain competitive, by the opportunities for cross-subsidization from other revenue sources, and the need for the Harbour Commission to be financially self-sufficient.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 807-TC

### **OSHAWA HARBOUR COMMISSION BY-LAWS – REVISION**

This is a complete revision of the existing Oshawa Harbour Commission By-laws which date back to 1964. The Oshawa Harbour Commission By-laws regulate activities within the harbour limits, such as general administration, navigation and movement of vessels, handling of dangerous goods and explosives, rates imposed on vessels and penalties for persons who violate the by-laws.

*Anticipated Impact:* The revised by-laws will be more concise and easier to implement. There will be limited impact on port users since content and controls will not change dramatically from the current situation. There will be no impact on the general public.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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808-TC

**OSHAWA HARBOUR COMMISSION BY-LAWS –  
TARIFF**

Some changes in rates prescribed by the above by-laws (such as top wharfage, side wharfage, harbour dues and marina charges) may be required to maintain the Harbour Commission's financial position and competitive status. When the 1988 financial position of the Commission is clear at year end, the Commission will be in a position to determine whether any of the rates established by these by-laws will need to be changed.

*Anticipated Impact:* The amount of any changes would be influenced by the need for the port to remain competitive, by the opportunities for cross-subsidization from other revenue sources, and the need for the Harbour Commission to be financially self-sufficient. Any change in tariffs would affect only port users. There would be no impact on the general public.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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809-TC

**PORT ALBERNI HARBOUR COMMISSION  
BY-LAWS**

The Port Alberni Harbour Commission is reviewing and revising its by-laws to update them with respect to operations in the harbour. The existing by-laws have not been changed since 1947. The wording will be changed to make the by-laws appropriate to current operational circumstances, and some sections which are no longer applicable will be deleted. There will be no amendment to the tariff rates.

*Anticipated Impact:* Impact is limited to users of the port. There will be no impact on the general public. The revised by-laws will provide improvements to controls in the existing by-laws.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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810-TC

**THUNDER BAY HARBOUR COMMISSION  
BY-LAWS**

Amendment of the by-laws is required to reflect changes requested by the Standing Joint Committee for the Scrutiny of Regulations.

*Anticipated Impact:* Minimal impact is expected. The changes will be minor revisions to existing provisions.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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811-TC

**THUNDER BAY HARBOUR TARIFF BY-LAW –  
1990 TARIFF INCREASE**

The Thunder Bay Harbour Commission Tariff By-law is being amended to increase existing rates charged by the Thunder Bay Harbour Commission on goods landed from or shipped on board vessels coming into or using the harbour of the Port of Thunder Bay, or transhipped by water within the harbour. The rates will be increased by four per cent. This is necessary to offset expected inflationary increases in costs of operation to the Thunder Bay Harbour Commission. The amendment is, therefore, consistent with the objective of the national ports policy, outlined in the Harbour Commissions Act, that Commission ports be financially self-sufficient. The rates set out in this by-law are payable by the master or person in charge of the vessel or by the owners or agents of the vessel. Those affected by the amendment are the approximately seventeen shipping companies carrying out commercial business in the Port of Thunder Bay. The amendment would become effective January 1, 1990, and does not contain a sunset provision.

*Anticipated Impact:* The impact on individual companies conducting business in the port is negligible. The majority of users carry grain or other bulk commodities. This rate will increase by only \$.0022/metric tonne. The average increase of all rates is only \$.0078/metric tonne.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* W.L. Trochimchuk, Comptroller, Thunder Bay Harbour Commission, P.O. Box 2266, Thunder Bay, Ontario, P7B 5E8. Tel. (807) 345-6400

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#### 812-TC

### **TORONTO HARBOUR COMMISSIONERS' BY-LAW RESPECTING SAFETY OF CHARTER BOATS**

Regulatory action is required to ensure the safe operation of charter boats in Toronto Harbour in compliance with applicable provisions of the Ship Safety Regulations under the Canada Shipping Act.

*Anticipated Impact:* This by-law will result in improved safety of the public using the harbour, particularly passengers on charter boats.

*Statutory Authority:* Toronto Harbour Commissioners Act, 1911, c. 26, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* I.C.R. Brown, General Manager, The Toronto Harbour Commissioners, Transport Canada, 60 Harbour Street, Toronto, Ontario, M5J 1B7. Tel. (416) 863-2028

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#### 813-TC

### **TORONTO HARBOUR COMMISSIONERS' TORONTO ISLAND AIRPORT REGULATION AND CONTROL BY-LAW**

The above by-law will regulate and control the landing of jets and aircraft generating excessive noise at Toronto Island Airport. The by-law is a requirement of a lease agreement between the Corporation of the City of Toronto, the Toronto Harbour Commissioners and the Department of Transport in accordance with the Toronto Harbour Commissioners' Act, 1985.

*Anticipated Impact:* The controls are already in place. This initiative merely changes the enforcement method to fines under a by-law. Minimal impact on general public.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1985, S.C. 1986, c. 10

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* I.C.R. Brown, General Manager, The Toronto Harbour Commissioners, Transport Canada, 60 Harbour Street, Toronto, Ontario, M5J 1B7. Tel. (416) 863-2028

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#### 814-TC

### **TORONTO HARBOUR COMMISSION BY-LAW – BERTHING AREAS**

This by-law will control and regulate the mooring of privately operated pleasure boats and commercially operated boats, and the discharge and pick-up of passengers within the port and harbour of Toronto. These controls are required to improve accessibility of berthing areas to the public, and improve operational efficiency in crowded berthing areas. The proposed by-law will identify specific locations where pleasure craft and commercially operated boats may berth and locations where passenger discharge and pick-up is permitted. A time limit to prevent public space being monopolized by particular vessels for lengthy periods will also be introduced.

*Anticipated Impact:* The proposed by-law will improve operational efficiency in crowded berthing areas and improve accessibility of berthing areas to the public. The means of enforcement are currently under review but may involve fines and ticketing with policing by a dockmaster. There will be financial penalties for violators.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1911, c. 26, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* I.C.R. Brown, General Manager, The Toronto Harbour Commissioners, Transport Canada, 60 Harbour Street, Toronto, Ontario, M5J 1B7. Tel. (416) 863-2028

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#### 815-TC

### **TORONTO HARBOUR COMMISSIONERS' BY-LAWS – PENALTY SECTIONS**

This initiative will increase fines, not exceeding the maximum permitted under the Toronto Harbour Commissioners' Act, 1985 (Twenty-five thousand dollars), in respect to violation of any of the by-laws, such as: No. 8A by-law, To Regulate the Operating and Navigating of Any Vessel within the limits of the Harbour, and Toronto Harbour Cargo Rates Tariff By-law.

*Anticipated Impact:* There will be a financial impact on violators only.



*Statutory Authority:* Toronto Harbour Commissioners' Act, 1985, S.C. 1986, c. 10

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* I.C.R. Brown, General Manager, The Toronto Harbour Commissioners, Transport Canada, 60 Harbour Street, Toronto, Ontario, M5J 1B7. Tel. (416) 863-2028

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#### 816-TC

### **TORONTO HARBOUR BY-LAW RESPECTING TRESPASS AND USE OF COMMISSION PROPERTY**

It is intended to implement controls at Toronto Island Airport and regulate the use of Commissioner's property and berths. The purpose of the controls at Toronto Island Airport is to prevent pedestrians from walking across active aircraft manoeuvring, landing and take-off areas. The purpose of the controls over other Commissioner's property and berths is to allow the Commissioners to deal with abandoned vessels and other property. The mechanism for control and enforcement is being examined in more detail. The most likely control mechanism for pedestrian traffic at the Toronto Island Airport is a prohibition against entering particular areas, with a fine for offenders. The control mechanism for abandoned vessels and other property could include empowering the Commissioners to fine the owners and seize abandoned property.

*Anticipated Impact:* The regulation will allow Commissioners to deal effectively with the specific problems identified above. This will improve safety at the Island Airport for pedestrians and other users. It will improve operational efficiency of the port in allowing abandoned property to be removed.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1911, c. 26 as amended and Toronto Harbour Commissioners' Act, 1985, S.C. 1986, c. 10

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 817-TC

### **TORONTO HARBOUR COMMISSIONERS' BY-LAW PROHIBITING OPERATION OF VESSELS IN DESIGNATED WATERS**

The purpose of this by-law is to keep vessels out of the area of the harbour adjacent to the east and west ends of Runway 08/26 at the Toronto Island Airport and to ensure safe landing and take-off of aircraft. The prohibited area will be marked by buoys. A penalty will be imposed on persons who contravene this by-law.

*Anticipated Impact:* The benefits will be in improved safety and there will also be a financial penalty to violators.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1911, c. 26, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

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#### 818-TC

### **TORONTO HARBOUR CARGO RATES BY-LAW**

An increase in tariff rates may be required to maintain cost recovery, to keep pace with inflation and to maintain the Harbour Commission's financial position. When the 1988 financial position of the Commission is clear at year end, the Commission will be in a position to determine whether any of the rates outlined by these by-laws will need to be increased.

*Anticipated Impact:* This regulation will affect port users only. The amount of any increase would be influenced by the need for the port to remain competitive, by the opportunities for cross-subsidization of other revenue sources, and the need for the Harbour Commission to be financially self-sufficient.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1911, c. 26, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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819-TC

**TORONTO HARBOUR LICENSING BY-LAW**

Action will be taken to remove or amend certain provisions as requested by the Standing Joint Committee for the Scrutiny of Regulations.

*Anticipated Impact:* Minimal impact on only a small number of specific harbour users is expected.

*Statutory Authority:* Toronto Harbour Commissions Act, 1911, c. 26 as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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820-TC

**TORONTO HARBOUR LICENSING BY-LAW – FEE SCHEDULE**

It is intended to update the fee schedule, including an increase in the fee for operators' licences from \$4 to \$8.

*Anticipated Impact:* There will be an impact on a small number of specific harbour users, specifically operators of pleasure craft. Operators of commercial vessels will not be affected.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1911, c. 26 as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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821-TC

**TORONTO HARBOUR TARIFF OF BERTHAGE CHARGES**

An increase in tariff rates may be required to maintain cost recovery, to keep pace with inflation and to maintain the Harbour Commission's financial position. When the 1988 financial position of the Commission is clear at year end, the Commission will be in a position to determine whether any of the rates outlined by these by-laws will need to be increased.

*Anticipated Impact:* Affects port users only. The amount of any increase would be influenced by the

need for the port to remain competitive, by the opportunities for cross-subsidization of other revenue sources, and the need for the Harbour Commission to be financially self-sufficient.

*Statutory Authority:* Toronto Harbour Commissioners' Act, 1911, c. 26, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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822-TC

**TORONTO HARBOUR WORKS BY-LAW**

This initiative will enlarge the area within the Port and Harbour of Toronto to which the Toronto Harbour Works By-law applies. The by-law regulates construction of works and use of lands within the Port and Harbour of Toronto as such use and construction may impinge on shipping and navigation.

*Anticipated Impact:* Impact will be minimal. No financial impact is anticipated. The effect of the by-law will be to prevent construction work or use of port property which might obstruct shipping and navigation within the harbour.

*Statutory Authority:* Toronto Harbour Commissions Act, 1911, c. 26, as amended

*Expected Date of Publication:* First Quarter, 1990, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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823-TC

**WINDSOR HARBOUR CARGO RATES AND HARBOUR DUES BY-LAW AND WINDSOR HARBOUR WHARF BY-LAW**

An amendment to these by-laws might be required to increase tariff rates, to maintain an adequate level of cost recovery, to keep pace with inflation and to maintain the Harbour Commission's financial position. When the 1988 financial position of the Commission is clear at year end, the Commission will be in a position to determine whether any of the rates established by these by-laws will need to be increased.

*Anticipated Impact:* The amount of any increase would be influenced by the need for the port to



remain competitive, by the opportunities for off-setting cost increases in one area by revenues from other sources, and the need for the Harbour Commission to be financially self-sufficient. This by-law affects port users only. It has no impact on the general public.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 824-TC

#### **WINDSOR HARBOUR COMMISSION GENERAL BY-LAWS**

There is a need to implement a safe speed limit on the Detroit River for recreational vessels for purposes of safety and shoreline protection.

*Anticipated Impact:* This proposal will create a safer boating environment and reduce shore-line erosion. A safe speed limit will be established after discussion with local agencies and boaters.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 825-TC

#### **WINDSOR HARBOUR COMMISSION GENERAL BY-LAWS AND WINDSOR HARBOUR WHARF BY-LAW**

Amendments are necessary to respond to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations and to ensure conformity with other regulations, particularly in the area of vessel speed and to delete references to redundant regulations.

*Anticipated Impact:* Minimal impact is expected. The proposal will eliminate inconsistencies in government regulations, and will make minor changes requested by the Standing Joint Committee for the Scrutiny of Regulations.

*Statutory Authority:* Harbour Commissions Act, R.S.C. 1985, c. H-1, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 826-TC

#### **ATLANTIC PILOTAGE AUTHORITY REGULATIONS**

These amendments are safety related and refer to tugs with tows subject to compulsory pilotage, waivers, notices to obtain pilots, classes of licenses and qualifications of applicants. Amendments will also be made to correct the French version of these regulations in response to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. (Additional amendments may be deemed necessary during the year.)

*Anticipated Impact:* These amendments will have a minimal economic impact on the tug with tow sector of the shipping industry. The remaining amendments are of a routine nature only and will have no economic impact.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. McNeill, Chief, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel. (613) 998-0695

#### 827-TC

#### **ATLANTIC PILOTAGE AUTHORITY TARIFF REGULATIONS**

These amendments to the Atlantic Pilotage Authority Tariff Regulations refer to the: proposed increase of four per cent for the compulsory pilotage waters of New Brunswick, Newfoundland, Nova Scotia and Prince Edward Island; proposed increase of six per cent for the non-compulsory waters of Newfoundland and Labrador; and proposed increase of 10 per cent for the non-compulsory waters of Nova Scotia, New Brunswick and Prince Edward Island. Additional amendments may be required during the year. The amendment was published in the *Canada Gazette* Part I on August 20, 1988.

*Anticipated Impact:* These amendments should have only a minimal economic impact. In accordance with normal practice proposed tariff increases have been discussed with representatives of the international and domestic shipping industry.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14 as amended

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

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with respect to pilotage on the opening of the Seaway in 1959, i.e., safety of navigation, and protection of the environment based on safe and efficient pilotage services.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. McNeill, Chief, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel. (613) 998-0695

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## 828-TC

### LAURENTIAN PILOTAGE AUTHORITY REGULATIONS

These amendments are safety related and refer to the requirements for two pilots on specific assignments, predicated on duration of passage. They will also address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. (Continuing discussions with industry and other interested parties may require additional modifications to the regulations during the year.)

*Anticipated Impact:* The impact of these amendments is selective in application and will apply mainly to winter traffic and to vessels of 64K tons deadweight and over in District No. 1 and to vessels of 75K tons deadweight and over in District No. 2.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. McNeill, Chief, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel. (613) 998-0695

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## 829-TC

### GREAT LAKES PILOTAGE REGULATIONS

A Federal Court of Canada Decision dated May 8, 1987, ruled part of the existing Great Lakes Pilotage Authority (GLPA) Regulations pertaining to compulsory pilotage to be ultra vires in that navigation safety is the only factor relevant to the establishment of compulsory pilotage areas. The GLPA has consulted various interested parties including the United States Coast Guard and, on the basis of the input received, is taking steps to make its regulations intra vires.

*Anticipated Impact:* The amended regulations will be consistent with the basic principles established

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## 830-TC

### GREAT LAKES PILOTAGE AUTHORITY TARIFF REGULATIONS

These amendments are to: 1. the International District No. 1 including Lake Ontario and International District No. 3; and 2. the Cornwall District and the Welland Canal, Ontario; and the Port of Churchill, Manitoba. Amendments to International District No. 1 and 3 concern proposed increases in the pilotage tariffs which, because of objections by the shipping industry, became the subject of a National Transportation Agency (NTA) investigation. The Board of the Great Lakes Pilotage Authority (GLPA) requested that the NTA review its decision. This review is currently in progress and the results of the Committee's deliberations will be taken into consideration by the Board of the Authority in determining the Authority's future actions. Amendments to the Cornwall District and the Welland Canal, Ontario; and the Port of Churchill, Manitoba, concern proposed increases in the relevant tariffs which the Authority's Board is now reconsidering. A decision on further action is expected in the fall of 1988. (Additional amendments may be required by the Board of the Great Lakes Pilotage Authority in 1989.)

*Anticipated Impact:* Until the GLPA Board decides on an appropriate course of action vis-à-vis the results of the Review Committee deliberations and possible United States input, and because the GLPA does not operate during the winter, there will be no financial impact from either 1. or 2. until the summer of 1989.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. McNeill, Chief, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel. (613) 998-0695



## 831-TC

**PACIFIC PILOTAGE REGULATIONS**

During 1989, the Pacific Pilotage Authority will amend its regulations affecting applicants for and holders of licences and pilotage certificates and ships subject to compulsory pilotage.

*Anticipated Impact:* The amendment will impact on the ability of successful applicants for and holders of licences and pilotage certificates to maintain the necessary safety standards. The augmentation in examination fees will have only a minimal effect. The amendment pertaining to ships subject to compulsory pilotage will harmonize relations between the authority and the industry and will have no economic impact.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* N. McNeill, Chief, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel. (613) 998-0695

## 832-TC

**PACIFIC PILOTAGE TARIFF REGULATIONS – AMENDMENT**

The proposed amendment refers to an augmentation to the fees paid for pilotage services by commercial shipping, the major regular users of these services, as agreed by the shipping industry represented by the Chamber of Shipping of British Columbia. (A further amendment during 1989 may be deemed necessary by the Board of the Pacific Pilotage Authority.)

*Anticipated Impact:* The proposed increase is three per cent which would have a minimal economic impact on the shipping industry.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N. McNeill, Chief, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel. (613) 998-0695

## 833-TC

**PACIFIC PILOTAGE CONTIGUOUS WATERS REGULATIONS**

The proposed regulations refer to the terms and conditions under which a pilot, or other person, authorized by an appropriate authority of the United States, may pilot, in Canadian waters in and around the Province of British Columbia, which are contiguous to waters of the United States, a ship of under 10,000 gross tons which would normally be subject to compulsory (Canadian) pilotage in these waters. (Additional amendments during 1989 may be deemed necessary by the Board of the Pacific Pilotage Authority.)

*Anticipated Impact:* These proposed regulations will have no economic impact. The action essentially ensures the maintenance of navigation safety in Canadian waters when the relevant vessel is proceeding under waiver.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

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## 834-TC

**GENERAL PILOTAGE REGULATIONS**

During the year, amendments to Schedule I of the captioned regulations may be deemed necessary, potentially but not necessarily limited to the field of optometry, in that in the safety of navigation applicants for and holders of pilots' licences and pilotage certificates must comply with the standards enacted in the regulations. At the same time, these amendments will also address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

*Anticipated Impact:* These amendments will affect all marine pilots and pilotage certificate holders in Canada vis-à-vis their medical examinations.

*Statutory Authority:* Pilotage Act, R.S.C. 1985, c. P-14, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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835-TC

**CANADA PORTS CORPORATION – HALIFAX,  
MONTREAL, PORT OF QUEBEC, PRINCE  
RUPERT, SAINT JOHN, ST. JOHN'S AND  
VANCOUVER PORT CORPORATION  
OPERATING BY-LAWS**

These by-laws will update and replace the Canada Ports Corporation Operating By-law (C.R.C. 1978, c. 1064 as amended) as it pertains to activity in the harbours, other waters and lands under the administration or jurisdiction of Canada Ports Corporation at Belledune, Baie des Ha! Ha!, Chicoutimi, Sept-Iles, Trois-Rivières, Port Colborne, Prescott and Churchill and activity in the harbour and on the lands under the administration or jurisdiction of Halifax, Montreal, Port of Quebec, Prince Rupert, Saint John, St. John's and Vancouver Port Corporations.

*Anticipated Impact:* The by-law will govern the operation of vessels, vehicles and other activities in these harbours and other waters and on lands under the administration of these corporations.

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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M. Dulude, Manager and Associate Corporate Secretary, Port of Quebec Corporation, 150 Dalhousie Street, Quebec, Quebec, G1K 4C4. Tel. (418) 648-3558;

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K.R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, Saint John, New Brunswick, E2L 2B5. Tel. (506) 648-4869;

D.J. Fox, General Manager and Chief Executive Officer, St. John's Port Corporation, 3 Water Street,

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836-TC

**CANADA PORTS CORPORATION – HALIFAX,  
PORT OF QUEBEC, PRINCE RUPERT, SAINT  
JOHN AND ST. JOHN'S HARBOUR DUES  
BY-LAWS**

These by-laws (C.R.C. 1978, c. 1063 as amended, SOR/84-428, SOR/85-107, SOR/84-416, SOR/87-174 and SOR/85-988) impose a toll on vessels coming into the harbours under the administration or jurisdiction of Canada Ports Corporation at Belledune, Baie des Ha! Ha!, Chicoutimi, Sept-Iles, Trois-Rivières, Port Colborne, Prescott and Churchill and the harbours under the administration or jurisdiction of Halifax, Prince Rupert, Port of Quebec, Saint John and St. John's Port Corporations.

*Anticipated Impact:* The toll may be revised to reflect inflation.

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 837-TC

**CANADA PORTS CORPORATION – MONTREAL, SAINT JOHN AND VANCOUVER PORT CORPORATION SERVICES AND PROPERTY BY-LAWS**

These by-laws update and replace sections 3, 4 and 5 of the Canada Ports Corporation Operating By-law which provide for the acquisition and disposal of property and the provision of services by or for Canada Ports Corporation, Montreal, Saint John and Vancouver Port Corporations.

*Anticipated Impact:* These by-laws will have no impact on the public.

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*; except Vancouver Port Corporation, which will be published in the Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 838-TC

**MONTREAL AND VANCOUVER HARBOUR DUES BY-LAWS**

These by-laws will impose a toll on vessels coming into Montreal and Vancouver harbours and replace and revise the same tolls currently imposed under the Harbour Dues Tariff By-law (C.R.C. 1978, c. 1063 as amended).

*Anticipated Impact:* The by-laws will not have any impact on the public. The tolls may be revised but will not have any major financial impact on the public and otherwise will have no impact.

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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## 839-TC

**MONTREAL, SAINT JOHN AND VANCOUVER PORT CORPORATION TENDERS AND WORKS CONTRACTS BY-LAWS**

These by-laws will replace the Canada Ports Corporation Tenders and Works Contracts By-law as it regulates the award of works contracts by the Montreal, Saint John and the Vancouver Port Corporations.

*Anticipated Impact:* These by-laws will have minor impact on the public.

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*; except Vancouver Port Corporation, which will be published with the Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter 1990, Part II, *Canada Gazette*

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## 840-TC

**MONTREAL AND SAINT JOHN PORT CORPORATION ADMINISTRATIVE BY-LAWS**

These by-laws will regulate internal administration of these corporations, their boards, officers and employees.

*Anticipated Impact:* These by-laws will have no impact on the public.

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contacts:* P. Vanasse, Legal Counsel, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing no. 1, Montreal, Quebec, H3C 3R5. Tel. (514) 283-7035;

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#### 841-TC

### **VANCOUVER HARBOUR BOUNDARY ORDER, NO. 2**

This order will change the Vancouver Harbour Boundary Order (C.R.C. 1978, c. 1101) by removing from Vancouver harbour part of Sturgeon Bank and Roberts Bank in the Straits of Georgia at the mouth of the Fraser River in British Columbia.

*Anticipated Impact:* The area removed will become part of the Fraser River harbour and vessel and other activity in the area will be removed from the jurisdiction of the Vancouver Port Corporation and instead will come under the jurisdiction of the Fraser River Harbour Commission pursuant to the Proclamation establishing the Fraser River Harbour Commission (C.R.C. 1978, c. 901).

*Statutory Authority:* Canada Ports Corporation Act, R.S.C. 1985, c. C-9, as amended

*Expected Date of Publication:* Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* P. Clark, General Manager and Corporate Secretary, Vancouver Port Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9. Tel. (604) 666-8905

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#### 842-TC

### **SEAWAY REGULATIONS**

Vessels of greater dimensions than permitted in the regulations transit the Seaway. As some of these vessels can safely transit the Seaway, they ought to be permitted to do so. No part of a vessel is permitted to extend more than 35.5 m above water level but vessels which extend 35.66 m above water level could safely transit the Seaway. Requirements for mooring lines, winches and fairleads must be more fully explained in the regulations. The

regulations state that vessels of more than 110 m in length must be equipped with a stern anchor but some vessels do not interpret "equipped" as being ready for use. Pleasure crafts are defined in terms of weight but this term is incorrect when applied to a vessel. The regulations state that the passing of vessels is governed by the Rules of the Road for the Great Lakes but these Rules have been revoked. The title of the regulations which describes emergency procedures must be expanded to indicate the intent of the procedure. Radio frequencies assigned to vessels are inaccurate. Seaway authorities require more specific information from vessels concerning their cargo and the time of their departure from ports, docks and anchorages. Requirements related to the cleaning of hazardous tanks apply only to cargo tanks in the English text when they should apply to all tanks. Additional information concerning their location is required from vessels when contacting Authority officials.

*Anticipated Impact:* The impact will be limited to the users of the Seaway and will be positive in nature. Some amendments respond to industry concerns; others clarify the regulations. There will be no increased costs to industry.

*Statutory Authority:* The St. Lawrence Seaway Authority Act, R.S.C. 1985, c. S-2

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* N.B. Willans, The St. Lawrence Seaway Authority, Constitution Square, 360 Albert Street, Ottawa, Ontario, K1R 7X7. Tel. (613) 598-4605

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## **SURFACE**

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#### 843-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, SECTION 6 – STATEMENT OF COMPLIANCE LABELS**

The amendment will permit additional methods of marking the statement of compliance label, require that vehicle type be identified on the label, and identify that the tire information required by the safety standard on tires may be shown on the label. The amendment will also set out the statement of compliance labeling requirements of a vehicle which has been certified to comply with the regulations and then is subsequently altered prior to first retail sale. The amendment is planned to come into effect one year after registration, except the second item



which is planned to come into effect three years after registration of the amendment.

*Anticipated Impact:* Most manufacturers and importers now comply with the proposed requirements; for those that do not the cost will be minimal.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10,

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* c. Morton, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1958

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#### 844-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARDS 101 AND 123 – MOTOR VEHICLE CONTROLS AND DISPLAYS**

This amendment would permit a minimum of two levels of brightness for dashboard lights which currently must be continuously variable. Tell-tale illumination could also vary, with the exception of head lamp upper beam, turn signal, seat belt warning and brake failure tell-tales which would continue to have only one level of brightness. The amendment would add the horn to those controls which must be identified by symbol; would specify how a common space may be used to display messages from many sources; and would specify the international standard containing the required symbols for controls and displays on motorcycles. The amendment is planned to come into effect September 1990.

*Anticipated Impact:* This amendment would reduce the cost of controls and displays slightly by permitting the use of new technologies, while having no discernible effects on safety, regional balance, environment, employment, income distribution, energy consumption, or paper burden.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 845-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 105 – HYDRAULIC BRAKE SYSTEMS**

This amendment will update the reference in the regulation to the latest version of Canada Motor Vehicle Safety Test Method, Section 105, "Hydraulic Brake Systems." The test method has been altered to change the brake burnish (break-in) procedures for vehicles having a gross vehicle weight rating (GVWR) of more than 4 536 kg (10 000 lb) other than school buses. The old procedures contained an upper limit on the allowable brake drum temperature during the burnish stops which did not allow disc brakes to be properly broken in. The new burnish procedures ensure that disc and drum brakes are burnished properly by subjecting the vehicle to a specific series of burnish stops without regard to the type of hardware fitted. The amendment would be effective upon registration and have no sunset provisions, but the requirements of the altered test method allow either the new or old methods of burnishing to be used until September 1, 1993, at which time the new burnish procedures would totally replace the old.

*Anticipated Impact:* This amendment would more closely harmonize American and Canadian test procedures so that manufacturers do not need to conduct separate compliance tests for each country. By allowing manufacturers the choice of burnish procedures until September 1, 1993, ample time is available to verify that the new procedures are not, in fact, more stringent than the current test method. The amendment is unlikely to have any discernible effects on regional balance, technological progress, paperburden, the environment, output and employment, market structure and competition, income distribution or energy consumption.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

*Contact:* D. Jacques, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1966

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#### 846-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 106 – BRAKE HOSES; AND STANDARD 116 – BRAKE FLUID**

This amendment will change the standard reference fluid required for tests contained in these standards because the previous fluid is no longer available. The adhesion test for brake hoses will also be revised. The amendment will ensure that brake

components continue to be tested properly and will remove technical inconsistencies between Canadian and U.S. regulations, thus reducing vehicle manufacturers' testing costs. These amendments are planned to be effective upon registration and contain no sunset provision.

*Anticipated Impact:* Adoption of the new test fluid will have no detrimental effect on safety. The improved repeatability of the adhesion test will better assure manufacturers of compliance with the regulation and thus reduce the risk of product recall. This regulation is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, market structure and competition, income distribution or energy consumption. Manufacturers' compliance testing costs will be reduced because the new fluid is less expensive than the old. This amendment does not increase paperburden.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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benefit from harmonized regulations by being able to design lighting devices to meet one set of international standards rather than two or more sets of national ones. Canadian lighting equipment manufacturers are expected to benefit directly through increased product sales. This regulation is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, or market structure and competition. The effects on income distribution, energy consumption and trade are expected to be negligible. This amendment does not increase paperburden. More straightforward regulatory language is expected to reduce the risk that small businesses will have to recall vehicles to correct mistakes due to misunderstanding regulations.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 848-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 121 – AIR BRAKES**

Many large truck accidents are due to: 1. instability caused by a lack of brakes on the front axle or uncoordinated brake application and release timing; and 2. excessive stopping distances due primarily to a lack of front brakes. This amendment will reduce the frequency of brake-related accidents by requiring front brakes, introducing stopping distance requirements, and specifying application and release times for all air-braked vehicles. The amendment is planned to be effective two years after registration and contains no sunset provision.

*Anticipated Impact:* The amendment will more closely harmonize Canadian and American requirements for air-braked vehicles except that there are no stopping distances in the U.S. regulations. Based on vehicle manufacturers' estimates, the approximate average cost of fitting front brakes on vehicles for the Canadian market will be \$500 per vehicle. Tests have shown that the fitment of front wheel brakes to heavy trucks reduces their stopping distance by three to 26 per cent, depending upon vehicle loading and road surface conditions. This regulation is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, market structure and competition, income distribution or energy consumption.

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#### 847-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 108 – LIGHTING EQUIPMENT**

Several industry standards referenced in Canadian Motor Vehicle Safety Standard (CMVSS) 108 have been superseded by later editions which, if adopted, would increase safety by ensuring improved performance or durability of lighting equipment on new vehicles sold in Canada, and harmonize the Canadian regulations with those of other countries. A new headlamp aiming system will be proposed. Stop arms would be required on school buses. Stop lamps on heavy trucks would be required to illuminate when the trailer air-brake control or drive-line retarder, if fitted, are activated. Modulating headlights would be permitted on motorcycles. Additional equipment to make heavy trucks and trailers, and motorcycles, more visible at night may be required. Subsections specifying locations for lighting devices on the vehicle will be clarified in response to questions from small Canadian vehicle manufacturers. These amendments are planned to be effective upon registration and contain no sunset provision.

*Anticipated Impact:* Additional lighting or reflective equipment is expected to reduce the number of night-time accidents involving large commercial vehicles by five to ten per cent. Manufacturers will



*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* D. Jacques, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1966

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#### 849-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 204 – STEERING COLUMN REARWARD DISPLACEMENT**

CMVSS 204 provides protection from injuries associated with the driver striking the steering wheel, but has been applicable only to vehicles of less than 1800 kg, exempting most light trucks and vans. This amendment will extend the applicability to vehicles of less than 2500 kg. The translation of "Walk-in van type truck" into French has now been established as "Fourgonnette plein-pied." The new translation will be introduced throughout the CMVSS, replacing all existing expressions. The anticipated effective date is one year after registration of the amendment.

*Anticipated Impact:* This amendment would follow a similar amendment in the United States. As most vehicles already comply with the requirement, the cost of the amendment will be small. This amendment is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, nor market structure and competition. The effects upon income distribution, energy consumption and international trade are expected to be slight. This amendment does not increase paperburden.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 850-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 208 – SEAT BELT INSTALLATIONS**

In order to provide more flexibility to manufacturers in the design of automatic protection systems, a mechanism which allows the belt webbing spool of an automatic seat-belt system to be manually

released will be allowed. To maintain the current levels of protection in convertibles, the provision of lap-shoulder belts or automatic protection will be required. To eliminate redundant and unnecessary test requirements, two subsections of CMVSS 208 will be eliminated. Improvements will be made in truck seat belt systems to make them more comfortable. These amendments are anticipated to become effective one year after registration of the amendment. No sunset clause.

*Anticipated Impact:* Effects on cost of vehicles will be minimal and some small reductions may result from these changes. Seat belts in large trucks will be required to have an emergency locking or automatic locking retractor for adjustment. This shall result in increased wearing rates due to the improved convenience of such retractors. This amendment is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, nor market structure and competition. The effects upon income distribution, energy consumption and international trade are expected to be slight. This amendment does not increase paperburden.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J. Farr, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1963

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#### 851-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 208 – THREE-POINT REAR SEAT BELTS**

This amendment to the regulations will require the installation of three-point (lap and shoulder) seat belts at the two outboard rear seating positions of all cars. At the moment all cars are required to be equipped with two-point (lap) seat belts at the rear seating positions, however, such belts do not provide as much protection in an accident as do three-point belts. Some manufacturers are already fitting the three-point type of belt and this trend is expected to continue. This regulatory initiative will ensure that all cars offer the same level of protection to occupants of rear seating positions as well as greatly facilitating the enforcement of seat-belt use laws. The amendment is planned to become effective December 1990.

*Anticipated Impact:* It is estimated that the installation of three-point belts in all cars manufactured after the effective date of the regulation would save approximately 50 lives and eliminate or reduce the

effects of approximately 1,400 injuries per year. These estimates assume that the fitment of three-point seat belts in the rear will result in rear seat use rates at 80 percent, compared to present estimates of 25 percent use of lapbelts. It is estimated that the cost per vehicle of complying with the requirement would be approximately \$15. This amendment is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, or market structure and competition. The effects upon income distribution, energy consumption and international trade are expected to be slight. This amendment does not affect paperburden.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* R.V. Myers, Chief, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1956

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#### 852-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 208 – SEAT BELT INSTALLATIONS – EQUIVALENT PROTECTION**

This amendment would provide an alternative means of compliance for manufacturers who wish to use automatic restraint systems or other restraint technology that will not comply with the more design-restrictive provision of Canadian Motor Vehicle Safety Standard (CMVSS) 210 anchorages. These criteria are intended to ensure such restraint systems provide equivalent or better protection than existing seat belts. The alternative would specify new injury criteria based on a 48 km per hour frontal barrier test. The criteria would include peak head acceleration, maximum chest deflection and femur loads as measured on a hybrid III dummy.

*Anticipated Impact:* The head acceleration and chest deflection criteria would be exclusive to Canada. However, since such data can be readily obtained from the Hybrid III test device, there should be no additional testing costs imposed on manufacturers. This amendment is intended to provide additional flexibility to manufacturers in choosing restraint system designs for use in Canada. It is assumed that manufacturers will choose the most cost-effective means of complying with Canadian restraint regulations.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

*Contact:* J. Farr, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1963

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#### 853-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, STANDARD 210 – SEAT BELT ASSEMBLY ANCHORAGES**

Certain types of automatic protection may not include a manual lap belt at the right front passenger seating position. In order to ensure that a child restraint can be installed safely at that position, an amendment will be introduced to require anchorages for the installation of a manual lap belt at that position. This amendment is planned to become effective one year after registration. This amendment will not contain a sunset clause.

*Anticipated Impact:* This amendment will harmonize with a similar U.S. regulation. This amendment is unlikely to have any discernible effects on regional balance, technological progress, the environment, output and employment, nor market structure and competition. The effects upon income distribution, energy consumption and international trade are expected to be slight. This amendment will not increase paperburden. This proposal is consistent with the federal Regulatory Policy and with the Citizens' Code of Regulatory Fairness. The amendment will be subject to the consultation process of the *Canada Gazette*, Part I publication and to consultation with manufacturers and importers.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* F. Legault, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1964

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#### 854-TC

### **MOTOR VEHICLE SAFETY REGULATIONS, ADDING STANDARD 213.3 – RESTRAINT SYSTEMS FOR DISABLED PERSONS**

Current requirements for child restraint systems for use in motor vehicles are not sufficiently flexible to permit the manufacture of restraints for use by disabled persons. It is necessary that a standard be introduced that would ensure that safe restraints are available for disabled persons. The regulation will become effective on the date of registration. This amendment will not contain a sunset clause. The



amendment was published in the *Canada Gazette*, Part I on August 20, 1988.

*Anticipated Impact:* Several manufacturers have requested that standards be introduced. The economic effect on society will be minimal. Safety benefits will be realized and developments of safety technology for disabled persons will be encouraged. There will be no discernible effect on such things as regional balance, the environment, employment and market structure. The standard will be consistent with the Regulatory Policy and Citizens' Code and consultation will be through the *Canada Gazette*, Part I process and through correspondence with individual manufacturers. Extensive consultation has been held with industry and a comprehensive test program has been conducted with their full cooperation.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* F. Legault, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1964

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#### 855-TC

### **MOTOR VEHICLE SAFETY REGULATIONS – MOTORCYCLE NOISE**

This amendment responds to a request from the motorcycle industry to update and harmonize the safety standard that applies to motorcycle noise because the current test method incorporated in the standard is inappropriate. This amendment is planned to become effective six months after registration. The amendment was published in the *Canada Gazette*, Part I on June 18, 1988.

*Anticipated Impact:* The reduced noise level requirements set out in this proposal are estimated to affect 10 per cent of the motorcycle fleet at an annual cost of \$1.9 million. The effects upon income distribution, energy consumption and international trade are expected to be slight.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J. Neufeld, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1959

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#### 856-TC

### **MOTOR VEHICLE TIRE SAFETY REGULATIONS – MOTORCYCLE DEFINITIONS**

This amendment would consolidate the current classes of motorcycles into one class in order to improve motorcycle safety and simplify the regulations. This amendment follows a similar amendment to the Motor Vehicle Safety Regulations as SOR/88-268. The amendment will also bring under the regulations those tires that are designed for low speed motorcycles.

*Anticipated Impact:* The only substantive change to the regulations will be to require tires designed for low speed motorcycles to comply with the safety standards. Cost to comply with this requirement should be minimal. The regulation will ensure that non-standard tires are not imported into Canada as replacement tires or on new vehicles.

*Statutory Authority:* Motor Vehicle Tire Safety Act, R.S.C. 1985, c. M-11

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* c. Morton, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 998-1958

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#### 857-TC

### **MOTOR VEHICLE TEST CENTRE FEES ORDER**

Revisions to the Motor Vehicle Test Centre Fees Order will improve the administration of billing and will establish more equitable methods of calculating fees for clients who use or occupy Test Centre facilities. Although the text will be substantially revised, the fees, in general, will be in line with those in the present order. The major change will be in detailed provisions which clarify the concepts to be used in calculating fees. Some graduated fees, addressing for example the number of vehicles involved, will have increments so that the fees reflect more closely the actual use of the facilities. The order allows for more flexibility in the way the Centre is used. This is necessary to expand use of the Centre by outside clients, while clarifying the fees and their calculations.

*Anticipated Impact:* The changes to the fees as part of this proposal will be kept to a minimum. Some clients may pay a different fee as a result of the changes but the calculation will be more equitable, and the amounts involved are small. No adverse reaction is anticipated from clients. The proposed rate schedule will improve credibility of the fees and their administration as the Test Centre is promoted for greater use by private industry.

*Statutory Authority:* Motor Vehicle Safety Act, R.S.C. 1985, c. M-10, and Authorization of the Minister of Transport to Determine Fees Regulations, established by SOR/85-860, August 28, 1985

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 858-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – CONSUMER COMMODITIES, TRAINING AND CLASS 9 PLACARD

Amendments to Section 2.7 and Schedule VIII will allow greater quantities of certain dangerous goods (e.g. certain flammable liquids) to be transported as consumer commodities. Changes to the training sections in Part IX are intended to clarify requirements. The change to the Class 9 placard is in response to a change in the United Nations recommendations.

*Anticipated Impact:* The impact of this amendment will be to ease the regulation of such goods as paints, paint products, windshield washer, et al. The amendment will also provide clarification of the regulations in respect of training and will change the Class 9 placard in response to United Nations recommendations. There will be no adverse economic impact associated with this regulation and no impact on the safety afforded the public.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154

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#### 859-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – BY ROAD IN QUANTITIES LESS THAN 500 KG

The amendment will exempt from the regulations the transportation of certain dangerous goods by road in quantities less than 500 kg if the dangerous goods are transported between the consignor and the consignee without any intermediate handling. Prior to this amendment, the exemption applied only to transportation from a retail outlet to a place of residence or place of consumption.

Amendments to Sections 2.22 and 2.28 are for purposes of clarifying the regulations.

*Anticipated Impact:* The amendment broadens the application of the exemption provided for retail outlets and as such provides relief for a large number of small businesses. The Transport Dangerous Goods Directorate is currently looking into the possible impact of this amendment on safety but no conclusions are available as of yet.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154

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#### 860-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – THREE YEAR PLAN

It is expected that in 1989, the majority of changes to the Transportation of Dangerous Goods Regulations will be put in one amendment schedule to be published in Part I of the *Canada Gazette*. Currently, amendments are grouped as much as possible according to subject and are arranged in individual schedules. These amendments not only come into force at different times but also overlap in terms of sections or parts addressed. Consequently, industry has some difficulty with training, which requires that a Certificate of Training be revalidated every three years. It is also possible that the same section may be amended a number of times in different amendment schedules. A three-year amendment plan would bring the majority of amendments into the same cycle as training and it is expected that such an amendment schedule would provide continuity for comments and compliance. This amendment will include some initiatives from the 1988 Regulatory Plan: a relaxation or clarification of the placarding requirements for explosives and radioactives; test criteria for Class 4 and Class 5 dangerous goods; a clarification of requirements for infectious substances; additional criteria for the classification of pesticides; and amendments regarding Part VIII of the regulations.

*Anticipated Impact:* The impact of those regulations currently scheduled to be included in the first omnibus amendment will be to reduce the impact of the regulations on industry; bring the regulations in line with related international statutes; clarify for industry the intent of regulations; provide industry with an aid to classification of dangerous goods; and facilitate international trade.



*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154

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#### 861-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – SCHEDULE II

In 1989, it is expected that a proposal will be made to remove Schedule II, which contains the list of shipping names of dangerous goods, from the Transportation of Dangerous Goods Regulations. Schedule II would be replaced with references to the International Civil Aviation Organization's Technical Instructions, the United Nations Recommendations and the International Maritime Organization's Dangerous Goods Code all of which are concerned with the transportation of dangerous goods. The Schedule will also include various textural changes that are required as a result of the removal of Schedule II from the regulations. It has proven difficult to maintain timely information in the list so that Schedule II has always been, and continues to be, out of date by two years or more. The Department intends to publish an information list as a departmental publication and it is expected that this approach will allow more flexibility in providing information, in creating a clearer format and in making timely changes all of which will help users to understand and comply with the regulations.

*Anticipated Impact:* The impact of the removal of Schedule II from the regulations will be that the Directorate will now be able to provide more useful information to industry, will be able to provide a more understandable format and will be able to provide more timely changes to the regulations, i.e. timely in respect of changes to related international regulations (e.g. ICAO Technical Instructions). Overall this amendment will provide a major benefit by helping industry to understand and comply with the regulations.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*, Fourth Quarter, 1989, Part II, *Canada Gazette*

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#### 862-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – SCHEDULE 13

The amendments for the most part provide clarification of the regulations as they apply to the transportation of dangerous goods by air and also provide certain relaxations for air transport in accordance with current industry practice.

*Anticipated Impact:* As the amendments represent current international Civil Aviation Organization and industry practices, there will be no economic or safety related impact.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154

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#### 863-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – INITIATIVES REGARDING THE REGULATION OF WASTE

These amendments consist of changes to the regulations in respect of wastes and have been initiated at the request of the provinces and Environment Canada. The amendment will allow industry to classify 9.3 goods (dangerous waste) and will provide a test to accomplish this classification. In addition there will be several minor and routine amendments such as: an amendment adding two new waste types to Schedule II to describe properties of wastes not currently described in the regulations; an amendment proposing a form which can be used for pre-notification as required in Section 7.14 of the regulations; an amendment to change the design of the waste manifest; an expansion of controls for all hazardous waste; and an amendment providing for provincial pre-notification for the transport of PCBs.

*Anticipated Impact:* The amendments ensure "cradle to grave" documentation control for all hazardous wastes regardless of ultimate destination. Benefits will be realized in the improved quality of information supplied, quicker response time by governmental agencies, reduction in the paper burden to industry and introduction of a uniform country wide document thereby eliminating individual provincial manifests. Costs to industry are not anticipated to exceed \$150,000 annually. Governments are expected to incur costs of approximately \$300,000 per year.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154

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#### 864-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – INFECTIOUS SUBSTANCES

This amendment consists of a rewrite of those sections of the regulations which refer to infectious substances, and is being drafted in consultation with Health and Welfare Canada and laboratory directors throughout Canada. The regulation will be consistent with the policies of the World Health Organization.

*Anticipated Impact:* This amendment is being made for purposes of clarifying the regulations so as to make them more easily understood by the layman. The amendment will not change the way that these substances are currently regulated and as such will involve no economic or safety impact.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*

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#### 865-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – CHANGES TO RELATED REGULATORY INITIATIVES

Amendments to relevant instruments such as the National Transportation Act, the Transportation of Dangerous Goods Act and U.S. Regulations such as HM 181 may require amendments to the Transportation of Dangerous Goods (TDG) Regulations. Changes to these instruments made during 1987 or 1988 will be assessed to determine whether changes to the TDG Regulations may need to be effected. In addition, other areas may need to be addressed by an amendment schedule such as an emergency situation where the result is the need for a change to the regulations.

*Anticipated Impact:* This initiative is being considered as a prudent, contingency measure. The

potential impact cannot be assessed at this time because any action will depend upon the impact resulting from the changes to the other instruments, which is yet to be determined.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* As required

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154

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#### 866-TC

### TRANSPORTATION OF DANGEROUS GOODS REGULATIONS – PARTS VI AND VII

Amendments to Parts VI and VII will include safety standards for the manufacturing and certification of packagings, cylinders and tanks, and safety requirements for the handling, offering for transport and transportation of dangerous goods. Part VI will adopt consensus standards developed by the Canadian Standards Association and the Canadian General Standards Board. Part VII except for the highway mode, will incorporate existing regulations pertaining to the selection and use of containment for dangerous goods for rail, air and ship. The amendment was published in the *Canada Gazette* Part I on August 8, 1987.

*Anticipated Impact:* Regulations affecting packaging and cylinders will for the most part reference current operating standards (material specifications or performance specifications or current industry practice). As such, the regulation will generate little or no impact on industry. Regulations affecting "tanks" are expected to generate a cost to industry for retrofit and inspection. The impact will, however, be mitigated by allowing industry a period of time over which to bring vehicles up to specification. A major benefit of the regulation will be that, with packing methods being put into standards through the International Standards System these methods have been more clearly identified and will be more readily available to the shipping public.

*Statutory Authority:* Transportation of Dangerous Goods Act, R.S.C. 1985, c. T-19, as amended

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.R. Monteith, Director, Regulatory Requirements, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel. (613) 990-1154





# TREASURY BOARD OF CANADA

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## Roles and Responsibilities

The Treasury Board is a committee of the Queen's Privy Council for Canada. The Board consists of the President of the Treasury Board, the Minister of Finance and four other Ministers who are nominated by the Governor in Council.

The Treasury Board Secretariat, headed by the Secretary, is one of two organizations serving the Treasury Board. The other is the Office of the comptroller General of Canada, headed by the Comptroller General.

The main role of the Treasury Board is the management of the government's financial, personnel and administrative responsibilities. It sets policy in these areas, examines and approves the proposed spending plans of government departments, and reviews the development of approved programs.

## Legislative Mandate

The principal legislative authorities for the Treasury Board are the Financial Administration Act and the Public Service Staff Relations Act. The Treasury Board is also authorized by the Governor in Council to implement certain provisions of the Official Languages Act as it applies to the Public Service, the Public Service Superannuation Act, the Supplementary Retirement Benefits Act and other superannuation acts. As well, the Board is assigned responsibilities in a number of other acts, usually as part of an approval process.

The Treasury Board and the President of the Treasury Board are also involved in public service pension statutes. The Board has specific regulation-making and discretionary powers under a number of these statutes. The President is the Minister responsible for the Public Service Superannuation Act and the Supplementary Retirement Benefits Act, and has been assigned the reporting responsibilities under the Public Pensions Reporting Act.

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867-TBS

### PUBLIC SERVICE SUPERANNUATION

As part of the government's program of reform of public service pension plans, the proposed Statute Law (Superannuation) Amendment Act, 1986 (Bill C-33, first reading, December 16, 1986) restructures and strengthens the financial arrangement of the three major pension plans, revises the inflation protection arrangements and creates a joint employee-employer Pension Management Board to oversee the administration of the Public Service Superannuation Act. Regulations are needed to provide for the details of these initiatives. Regulations carrying through with the detailed instructions

needed to implement Bill C-33 will also be necessary under the Canadian Forces Superannuation Act and the RCMP Superannuation Act.

*Anticipated Impact:* The application of the proposed regulations will be limited to persons subject to, or drawing pensions under, the Public Service Superannuation Act.

*Statutory Authority:* Public Service Superannuation Act R.S.C. 1985, c. P-36. These regulations will take effect only if the proposed Statute Law (Superannuation) Amendment Act is passed by Parliament.

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Joanne Lee, Head, Legislation Section, Pensions and Special Projects Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 952-3239

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868-TBS

### SUPPLEMENTARY RETIREMENT BENEFITS

As part of the government's program for reform of public service pension plans, the proposed Statute Law (Superannuation) Amendment Act (Bill C-33, first reading, December 16, 1986) revises the inflation protection arrangements. Regulations are necessary to prescribe the exact details for applying the revised approach.

*Anticipated Impact:* The application of the proposed regulations will be limited to certain persons who are entitled to indexing benefits under the Supplementary Retirement Benefits Act.

*Statutory Authority:* The statutory authority will be the Statute Law (Superannuation) Amendment Act, once enacted. These regulations will take effect only if the proposed Statute Law (Superannuation) Amendment Act is passed by Parliament.

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Joanne Lee, Head, Legislation Section, Pensions and Special Projects Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 952-3239

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869-TBS

### PENSION PROTECTION

The government's privatization initiatives include a commitment to provide for the pensions of the public service employees involved. To provide a full and fair range of pension options, the precedent has been established to authorize regulations allowing employment with the new employer to be recognized under the Public Service Superannuation Act



for purposes of meeting any length of service requirement for benefit eligibility.

*Anticipated Impact:* The application of these regulations will be limited to those employees within the public service who cease employment as a result of privatization.

*Statutory Authority:* Privatization legislation, once enacted

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Joanne Lee, Head, Legislation Section, Pensions and Special Projects Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 952-3239

#### 870-TBS

### GOVERNMENT LAND PURCHASE AND PUBLIC LANDS LEASING AND LICENSING

A new regulatory regime to manage real property centrally requires the Treasury Board to take a more active role both in determining the government's long-term need of real property and in holding departments accountable for the properties they are now using. The existing regulations will be amended in mid-1989 to reflect this change in managerial practices within the government.

*Anticipated Impact:* Adjustments to these regulations to help in the central management of real property will contribute significantly to the more effective and efficient use of federal resources.

*Statutory Authority:* Financial Administration Act R.S.C. 1985, c. F-11 and Public Lands Grants Act R.S.C. 1985, c. P-30

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Al Clayton, Director, Policy and Services Directorate, Bureau of Real Property Management, Treasury Board Secretariat, L'Esplanade Laurier, East Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 957-2506

#### 871-TBS

### CBC CORPORATE PLANS AND SUMMARIES

The regulations will prescribe the form in which the Canadian Broadcasting Corporation will prepare its corporate plans and summaries. Also specified will be the information to be included in the corporate plans and summaries, the information to accompany them and the date when the plans are to be provided and the summaries tabled in Parliament.

*Anticipated Impact:* These regulations will supplement the requirements for the Canadian Broadcasting Corporation's corporate planning process set out in the Broadcasting Act. There will be no impact on the general public.

*Statutory Authority:* Under Section 55 of the new broadcasting act (not yet enacted), Treasury Board will be empowered to make these regulations.

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* William Crandall, Director, External Affairs, Defence, Environment and Culture Division, Program Branch, Treasury Board Secretariat, L'Esplanade Laurier, East Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 957-0513

#### 872-TBS

### DISPOSAL OF SHARES IN MIXED AND JOINT ENTERPRISE CORPORATIONS

The regulations will provide the authority to require ministers responsible for mixed- and joint-enterprise corporations (i.e., corporations with share capital owned jointly by Canada and another level of government or other organizations, or both) to seek Treasury Board's recommendation for Governor in Council approval before the disposal of shares comprising Canada's equity in such corporations.

*Anticipated Impact:* These regulations will supplement the control of Canada's corporate investments as authorized by the Financial Administration Act (FAA).

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, Part V, s. 52

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Fran Cameron, Assistant Director, Policy and Corporate Information Division, Crown Corporations Directorate, Treasury Board Secretariat, L'Esplanade Laurier, East Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 957-0163

#### 873-TBS

### OFFICIAL LANGUAGES SERVICE TO THE PUBLIC BY FEDERAL INSTITUTIONS

The regulations will complete the statutory requirements regarding the language of federal services within the basic parameters established in the new act. They will deal with offices of federal institutions that have to serve the general public or the travelling public in both official languages, other than headquarters and offices in the National Capital Region

which are covered by the act. Criteria will be set out for offices to determine whether there is a significant demand for available services in each language. The regulations will also set out other circumstances in which services must be provided in both official languages, including the conditions under which service to the public is required in both official languages because of the nature of the office.

*Anticipated Impact:* These regulations will bring the diverse practices of federal departments, agencies and Crown corporations under a group of consistent and integrated criteria.

*Statutory Authority:* The Official Languages Act S.C. 1988, c. 38, s. 32

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*

*Contact:* Louis Reynolds, Director, Policy Division, Official Languages Branch, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 952-2864

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#### 874-TBS

### OFFICIAL LANGUAGES – LANGUAGE OF WORK IN FEDERAL INSTITUTIONS

The new act provides that, in designated regions or places, federal institutions must make central and personal services as well as work instruments available to public servants in both official languages. The regulations will deal with these matters.

*Anticipated Impact:* Except in particular instances of specific service in a department or Crown corporation, the regulations will not have a major impact overall.

*Statutory Authority:* The Official Languages Act S.C. 1988, c. 38, s. 38

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*

*Contact:* Louis Reynolds, Director, Policy Division, Official Languages Branch, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 952-2864

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#### 875-TBS

### ACCESS TO INFORMATION AND PRIVACY

In its response to the report of the Standing Committee on Justice and Solicitor General on the provisions and operation of the Access to Information Act and the Privacy Act, the government committed itself to amending the two acts to facilitate more comprehensive public access to information and to improve and clarify the legislation. Regulations may be required under both the Privacy Act

and the Access to Information Act to define the limitations to the authority neither to confirm nor deny the existence of information. Regulations may also be required to establish criteria for the physical security of personal information under the Privacy Act and for market-rates relevant to the fee structure under the Access to Information Act.

*Anticipated Impact:* The application of the proposed regulations would enhance public access to information, clarify the fee structure under the Access to Information Act and promote the protection of personal information.

*Statutory Authority:* Access to Information Act and Privacy Act R.S.C. 1980-81-82-83, c. 111 Schedules I and II. These regulations will take effect only if the proposed amendments to the legislation are passed by Parliament.

*Expected Date of Publication:* Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Peter Gillis, Chief, Information Practices Policy, Information Management Division, Treasury Board Secretariat, L'Esplanade Laurier, East Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 957-2540

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#### 876-OCG

### ASSIGNMENT OF CROWN DEBT REGULATIONS

These regulations define the classes of payments due a person by the federal government that may be assigned to another person (usually a creditor) and outline the procedures to be followed when doing so. They are revised periodically as programs are wound up and new programs established.

*Anticipated Impact:* Additional classes of payments will be eligible for assignment.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 71

*Expected Date of Publication:* As required

*Contact:* R. Findlay, Authorities and Internal Control Division, Accounting and Costing Policy Branch, Office of the Comptroller General of Canada, Ottawa, Ontario, K1A 1E4. Tel. (613) 957-9692

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#### 877-OCG

### PAYMENTS TO ESTATES REGULATIONS

These regulations permit monies payable by the federal government to a deceased person to be paid directly to a successor (usually a spouse or family member) rather than to the deceased's estate, where the estate is of insufficient value to warrant obtaining letters of administration or probate of the deceased's will. The current dollar



limits, which have not been changed since 1979, are under review and will be revised.

*Anticipated Impact:* Increasing the limits will permit more payments to be made directly to a successor, eliminating the potential delays and expense involved when payment is made to the estate.

*Statutory Authority:* Financial Administration Act, R.S.C. 1985, c. F-11, s. 10

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Gilles Vézina, Authorities and Internal Control Division, Accounting and Costing Policy Branch, Office of the Comptroller General of Canada, Ottawa, Ontario, K1A 1E4.  
Tel. (613) 957-7176

# VETERANS AFFAIRS CANADA

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VETERANS CARE AND VETERANS TREATMENT .....	880-VAC
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## Roles and Responsibilities

Veterans Affairs Canada is responsible for the administration of 22 acts and 28 sets of regulations and orders. These regulatory instruments give the Minister responsibility for the economic, social, mental and physical well-being of veterans and specified persons including dependants. The range of services provided includes income support, pensions, health care including special equipment and long-term care, counselling, education assistance, and the acquisition of title to property.

## Legislative Mandate

The acts, regulations and orders administered by the Minister of Veterans Affairs are:

### Statutes

- Allied Veterans Benefits Act
- Army Benevolent Fund Act
- Children of War Dead (Education Assistance) Act
- Civilian War Pensions and Allowances Act
- Department of Veterans Affairs Act
- Fire Fighters War Service Benefits Act
- Halifax Relief Commission Pension Continuation Act
- Pension Act
- Reinstatement in Civil Employment Act
- Returned Soldiers Insurance Act
- Soldier Settlement Act
- Special Operators War Service Benefits Act
- Supervisors War Service Benefits Act
- Veterans Appeal Board Act
- Veterans Benefit Act
- Veterans Business and Professional Loans Act
- Veterans Insurance Act
- Veterans Land Act
- Veterans Rehabilitation Act
- War Service Grants Act
- War Veterans Allowance Act
- Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act

### Regulations and Orders

- Army Benevolent Fund Regulations
- Assistance Fund (W.V.A. and C.W.A.) Regulations
- Children of War Dead (Education Assistance) Regulations
- Delegation of Powers (VLA) Regulations
- Execution of Building Contracts Regulations
- Execution of Documents Regulations
- Execution of Leases Regulations
- Execution of Purchase of Property Documents Regulations
- Flying Accidents Compensation Regulations
- Guardianship of Veterans' Property Regulations

- Last Post Fund Regulations
- Memorial Cross Order (World War I)
- Memorial Cross Order (World War II)
- Pensioners Training Allowances
- Regional Advisory Committee Regulations
- Returned Soldiers' Insurance Regulations
- Special Duty Area Pension Order
- Vetcraft Shops Regulations
- Veterans Allowance Regulations
- Veterans Appeal Board Regulations
- Veterans Burial Regulations
- Veterans Care Regulations
- Veterans Estates Regulations
- Veterans Insurance Regulations
- Veterans Land Regulations
- Veterans Rehabilitation Regulations
- Veterans Treatment Regulations
- War Service Grants Regulations

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### 878-VAC

#### VETERANS APPEAL BOARD MINOR REVISIONS

The proposed amendments will address minor administrative concerns arising from a routine review of the regulations which was initiated as a result of comments received from the Standing Joint Committee for Regulatory Scrutiny.

*Anticipated Impact:* The proposed amendments which will correct minor problems will have no adverse impact on clients of the Veterans Appeal Board.

*Statutory Authority:* Veterans Appeal Board Act, S.C. 1987, c. 25

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S. A. Cail, Director Regulations, Corporate Services, Veterans Affairs Canada, Charlottetown, P.E.I., C1A 8M9. Tel. (902) 566-8339

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### 879-VAC

#### VETERANS APPEAL BOARD RULES OF PROCEDURE

This proposal will introduce rules governing the proceedings, practice and procedure of the Veterans Appeal Board which began operations in September 1987, replacing the Pension Review Board and the War Veterans Allowance Board. The Board's major function is to hear appeals from veterans or their survivors who apply for compensation for death or disability resulting from wartime service or who apply for the War Veterans Allowance.



*Anticipated Impact:* The proposed rules will facilitate processing of appeals. They will not place an additional burden on the general public.

*Statutory Authority:* Veterans Appeal Board Act, S.C. 1987, c. 25

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S. A. Cail, Director Regulations, Corporate Services, Veterans Affairs Canada, Charlottetown, P.E.I., C1A 8M9. Tel. (902) 566-8339

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#### 880-VAC

### VETERANS CARE AND VETERANS TREATMENT

The Veterans Treatment Regulations have been providing health needs such as medical, surgical and dental treatment, to veterans for many years. In 1981, the Aging Veterans Program, recently renamed the Veteran's Independence Program, was introduced to provide, through the Veterans Care Regulations, special care to veterans such as home nursing care, groundskeeping, housekeeping and community care. The program will allow aging veterans to remain independent in their own homes or communities.

Because of the similarities between these two programs it has been decided to unite the two sets of regulations in order to remove duplications and ambiguities that presently exist. Particular attention will be given to updating wording related to the treatment program to reflect current health practices.

*Anticipated Impact:* This endeavour will provide clearer direction to those responsible for administering health care programs and result in improved service to veterans.

*Statutory Authority:* Department of Veterans Affairs Act, R.S.C. 1985, c. V-1

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*, Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S. A. Cail, Director Regulations, Corporate Service, Veterans Affairs Canada, Charlottetown, P.E.I., C1A 8M9. Tel. (902) 566-8339

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#### 881-VAC

### VETERANS FUNERAL AND BURIAL PROGRAMS – AMALGAMATION

These proposed regulations will allow for the amalgamation of the two funeral and burial programs presently administered by the Department of Veterans Affairs and the Canadian Pension Commission.

*Anticipated Impact:* The proposed amendments will allow for greater equality in the provision of funeral and burial benefits as current programs do not offer identical benefits.

*Statutory Authority:* Department of Veterans Affairs Act, R.S.C. 1985, c. V-1

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S. A. Cail, Director Regulations, Corporate Services, Veterans Affairs Canada, Charlottetown, P.E.I., C1A 8M9. Tel. (902) 566-8339

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#### 882-VAC

### VETERANS ALLOWANCE MINOR REVISIONS

These proposed regulations are administrative amendments resulting from recent changes to the War Veterans Allowance Act. These changes relate to the assessment of income and harmonization of the War Veterans Allowance program with the Guaranteed Income Supplement Program of Health and Welfare Canada.

*Anticipated Impact:* These amendments are intended to simplify the administration of the War Veterans Allowance program.

*Statutory Authority:* War Veterans Allowance Act, R.S.C. 1985, c. W-3

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* S. A. Cail, Director Regulations, Corporate Services, Veterans Affairs Canada, Charlottetown, P.E.I., C1A 8M9. Tel. (902) 566-8339

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#### 883-VAC

### ASSISTANCE FUND – MINOR REVISIONS

These proposed regulations introduce administrative changes to existing regulations relating to adjudication procedures when veterans and their dependants require emergency funds. Available funds will be more readily targeted to assist those veterans who are in greatest need.

*Anticipated Impact:* These proposed regulations have a positive impact on current recipients of War Veterans Allowance/Civilian War Allowance, in particular those with emergency needs.

*Statutory Authority:* Department of Veterans Affairs Act, R.S.C. 1985, c. V-1

*Expected Date of Publication:* Third Quarter, 1989,  
Part I, *Canada Gazette*; Fourth Quarter, 1988,  
Part II, *Canada Gazette*

*Contact:* S. A. Cail, Director Regulations, Corporate  
Services, Veterans Affairs Canada, Charlottetown,  
P.E.I., C1A 8M9. Tel. (902) 566-8339





# ATOMIC ENERGY CONTROL BOARD

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URANIUM MINES (SASKATCHEWAN) – OCCUPATIONAL HEALTH AND SAFETY .....	884-AECB
ATOMIC ENERGY CONTROL REGULATIONS – GENERAL AMENDMENTS .....	885-AECB
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## Roles and Responsibilities

The Atomic Energy Control Board (AECB) is a federal Crown corporation established in 1946 by the Atomic Energy Control Act. To ensure that Canadians can benefit from the peaceful uses of nuclear energy without undue risk to health, safety, security and environment, AECB regulates and licences nuclear materials and prescribed substances in Canada in co-operation with other federal and provincial departments in such areas as health, environment, transport and labour.

The AECB sets standards, imposes requirements and assesses applicants' capabilities to comply. Once a licence is issued, AECB carries out compliance inspections to ensure adherence to licence conditions and the Atomic Energy Control Regulations. To ensure that Canada's national policies and international commitments relating to the non-proliferation of nuclear explosives are met, the Board controls all imports and exports of nuclear materials and items, in co-operation with other federal government agencies.

The AECB is also responsible for the designation of nuclear installations for the purposes of the Nuclear Liability Act. It also prescribes basic insurance to be carried by the operators of such designated installations. The amount of basic insurance is subject to approval by the Treasury Board.

## Legislative Mandate

The following legislation is administered by the Atomic Energy Control Board:

- Atomic Energy Control Act
- Nuclear Liability Act

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### 884-AECB

#### URANIUM MINES (SASKATCHEWAN) – OCCUPATIONAL HEALTH AND SAFETY

The proposed amendment incorporates by reference Saskatchewan occupational health and safety laws for use in uranium mines in Saskatchewan. Uranium mines are subject to the Atomic Energy Control Act and Regulations. The Canada Labour Code (the Code) also applies to uranium mines in areas not specifically provided for in the Atomic Energy Control Regulations, as in the case of non-radiological occupational health and safety. Since 1979, the Code has contained a reference to the Saskatchewan Occupational Health and Safety Act and Mines Regulations which has ensured that the laws in Saskatchewan that apply to conventional occupational health and safety in non-uranium mines also apply in uranium mines. Because recent changes to the Code make it impossible to reference regulations of another

jurisdiction, this amendment to the Atomic Energy Control Regulations is required.

*Anticipated Impact:* The amendment will not change the application of occupational health and safety in Saskatchewan uranium mines and therefore will have no impact on the industry. An agreement for administration of the regulation similar to one already in force in Ontario, will be negotiated between the Atomic Energy Control Board and the Saskatchewan Ministry of Human Resources, Labour and Employment.

*Statutory Authority:* Atomic Energy Control Act, R.S.C. 1985, c. A-16, s. 9

*Expected Date of Publication:* Second Quarter 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* P.E. Hamel, Secretary, Atomic Energy Control Board, 270 Albert Street, Ottawa, Ontario, K1P 5S9. Tel. (613) 992-9206

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### 885-AECB

#### ATOMIC ENERGY CONTROL REGULATIONS – GENERAL AMENDMENTS

The Atomic Energy Control Regulations have not been amended significantly since 1974. These amendments are intended to incorporate changes in regulatory process that have developed since 1974, new provisions which address administrative law developments concerning fairness as well as technical changes in the requirements for radiation health and safety which have been recommended by international experts. The amendments will also consolidate the following existing regulations: Uranium and Thorium Mining Regulations, Physical Security Regulations and Transport Packaging of Radioactive Materials Regulations.

*Anticipated Impact:* The amendments will have some financial impact on the nuclear industry in terms of regulatory process, and increased radiation protection standards and requirements. Benefits will accrue to health and safety of both workers and members of the public as well as protection of the environment.

*Statutory Authority:* Atomic Energy Control Act, R.S.C. 1985, c. A-16, s. 9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* P.E. Hamel, Secretary, Atomic Energy Control Board, 270 Albert Street, Ottawa, Ontario, K1P 5S9. Tel. (613) 992-9206



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886-AECB**AECB COST RECOVERY**

These proposed regulations will permit the Atomic Energy Control Board to recover the costs of regulation directly from regulated companies.

*Anticipated Impact:* The Atomic Energy Control Board annual costs of about \$25 million will be recovered from regulated companies rather than being paid out of general government revenues. By having regulatory costs borne by a specific segment of the economy, greater visibility and efficiency in spending is expected.

*Statutory Authority:* Atomic Energy Control Act, R.S.C. 1985, c. A-16, s. 9

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* P.E. Hamel, Secretary, Atomic Energy Control Board, 270 Albert Street, Ottawa, Ontario, K1P 5S9. Tel. (613) 992-9206

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887-AECB

**TRANSPORT PACKAGING OF RADIOACTIVE MATERIALS**

These amendments conform with changes to regulations of the International Atomic Energy Agency. Regulations for the safe transport of radioactive materials published by the International Atomic Energy Agency (IAEA) are the basis for similar regulations in most countries as well as those for international air and marine organizations. As a major exporter of radioactive materials, Canada has participated in the development of IAEA regulations since their inception in 1961 and has adopted them for use in Canada. Most recently, Canada participated in a major review and updating of the IAEA regulations by experts from many countries resulting in the IAEA Regulations for the Safe Transport of Radioactive Material, 1985 edition. These amendments will ensure that Canadian regulations for the packaging of radioactive materials conform with the revised IAEA regulations. The amendments will be presented as a complete revision of the Transport Packaging of Radioactive Materials Regulations in order to improve the clarity and presentation of the regulations.

*Anticipated Impact:* The amendments will include new requirements for the shippers of radioactive materials in the areas of quality assurance, testing, labelling, identification, definitions and the classification of types of packages. There will be financial implications for shippers because of the increased standards, and at the same time, compliance with

the requirements will permit unhindered international shipments of radioactive materials while ensuring improved protection for both people and the environment.

*Statutory Authority:* Atomic Energy Control Act, R.S.C. 1985, c. A-16, s. 9

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* P.E. Hamel, Secretary, Atomic Energy Control Board, 270 Albert Street, Ottawa, Ontario, K1P 5S9. Tel. (613) 992-9206

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888-AECB

**URANIUM MINES (ONTARIO) – OCCUPATIONAL HEALTH AND SAFETY**

These amendments arise from changes to referenced Ontario regulations. The Uranium Mines (Ontario) Occupational Health and Safety Regulations enable the application of Ontario laws respecting non-radiological health and safety in uranium mines. To ensure conformity, the legal reference in federal regulations must be amended each time the Ontario Occupational Health and Safety Act and Regulations are amended, a decision made by the Province of Ontario.

*Anticipated Impact:* To assess the impact of amended regulations, Ontario carries out a process for public consultation

*Statutory Authority:* Atomic Energy Control Act, R.S.C. 1985, c. A-16, s. 9

*Expected Date of Publication:* Draft regulations will be republished by the Ontario government as part of its public consultation process and therefore will not be republished in Part I, *Canada Gazette*. Final publication in Part II, *Canada Gazette* is expected in 1989.

*Contact:* P.E. Hamel, Secretary, Atomic Energy Control Board, 270 Albert Street, Ottawa, Ontario, K1P 5S9. Tel. (613) 992-9206

# CANADIAN HUMAN RIGHTS COMMISSION

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CANADIAN HUMAN RIGHTS PENSION AND INSURANCE  
REGULATIONS ..... 889-CHRC





## Roles and Responsibilities

The mandate of the Canadian Human Rights Commission is to ensure equality of opportunity within federal jurisdiction through administration of the Canadian Human Rights Act. This act prohibits discrimination on ten grounds: race, colour, national or ethnic origin, religion, age, sex, marital status, family status, disability, and conviction for which a pardon has been granted. The Commission is empowered to investigate complaints of discrimination, to approve settlements or to request that the president of the human rights panel establish an independent human rights tribunal to consider a complaint or to end discriminatory policies and practices by means of education and research.

As well as making decisions on individual complaints, members of the Commission shape human rights policy by approving policies to guide both the public and Commission staff on the interpretation of the Canadian Human Rights Act.

The Commission's authority encompasses all areas of federal jurisdiction, including federal departments and agencies, Crown corporations, private companies which regularly transport goods or people across provincial or national borders, chartered banks, companies which handle radioactive materials, interprovincial or international pipelines, broadcasting companies and telephone companies doing business in more than one province.

The Commission reports to Parliament through the Minister of Justice.

## Legislative Mandate

The Canadian Human Rights Act

*Anticipated Impact:* Because the amendments are generally in line with the provisions of the new Pension Benefits Standards Act (1986 c. 40), an act respecting pension plans organized and administered for the benefit of persons employed in connection with certain federal works, undertakings and businesses, cost benefit analysis would indicate that these proposed amendments to the regulations will have a medium impact on the insurance industry.

*Statutory Authority:* Canadian Human Rights Act, S.C. 1976-77, c. 33, as amended s. 18

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*

*Contact:* Debra Young, Director, Research & Policy Branch, Canadian Human Rights Commission, 4-90 Sparks Street, Ottawa, Ontario, K1A 1E1. Tel. (613) 995-1151

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889-CHRC

### CANADIAN HUMAN RIGHTS PENSION AND INSURANCE REGULATIONS

At the request of the Canadian Human Rights Commission, the Governor in Council enacted the Canadian Human Rights Pension and Insurance Regulations in January, 1980. The regulations cover pension plans, disability income-insurance plans and life insurance plans administered by federal employers. These regulations define when the provisions of benefit plans which distinguish on a prohibited ground of discrimination are permissible. The regulations were amended in 1982, 1983 and 1985. These regulations must be amended again to include the most recent pension reforms as well as to reflect the equality provisions of the Charter of Rights and Freedoms which have raised concerns that the exceptions provided in the existing regulations are not defensible under the Charter.





# CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

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RULES OF PROCEDURE .....	.890-CRTC
RADIO FM POLICY .....	.891-CRTC
RADIO FRENCH VOCAL MUSIC .....	.892-CRTC
PAY TELEVISION .....	.893-CRTC
SPECIALTY SERVICES .....	.894-CRTC





## Roles and Responsibilities

The Canadian Radio-television and Telecommunications Commission (CRTC) is a public authority that is organizationally and legally independent of government departments and does not require ministerial approval for its regulatory initiatives. The CRTC, established by Parliament in 1968 by the Broadcasting Act to regulate and supervise all aspects of the Canadian broadcasting system, had its responsibilities enlarged in 1976 by the CRTC Act, under which the Commission assumed responsibility for regulating telecommunications carriers within federal jurisdiction, in accordance with the Railway Act and the National Telecommunications Powers and Procedures Act.

Under the Broadcasting Act, the CRTC regulates and supervises all aspects of the Canadian broadcasting system. The CRTC regulates both public and private broadcasters, and has the power to issue, renew, amend, suspend or revoke licences as well as to set conditions of licence for the achievement of the objectives of the act.

After consulting with the ten part-time members, the nine full-time members of the Executive Committee make decisions with respect to all broadcast licensing matters except revocations, and determine the Commission's broadcasting policies. The full commission, which is composed of the Executive Committee and part-time members, revokes broadcasting licences, prescribes classes of broadcasting licences and makes regulations and rules of procedure.

Regulations on broadcasting matters are issued following public consultation in accordance with subsection 16(2) of the Broadcasting Act. Where major changes to the broadcasting regulations are proposed, this consultation takes the form of written comments and an oral public hearing, at which interested parties present their views. Public hearings are also held in connection with the issue or revocation of a licence, in accordance with section 19(1) of the Broadcasting Act and are frequently held in connection with the renewal or amendment of a licence, pursuant to sections 19(2) and (3). In addition, the Commission solicits public opinion before existing policies and practices are developed or modified.

The CRTC's regulatory mandate with respect to telecommunications derives from several statutes, including the Railway Act and the National Telecommunications Powers and Procedures Act, and the acts of incorporation of the federally-regulated carriers. Section 320 of the Railway Act requires that a carrier's rates be filed for approval by the Commission, and section 321 states that all such rates shall be just and reasonable, and that a carrier shall not unjustly discriminate or give any undue preference or advantage in respect of its rates, services, or facilities. The CRTC also seeks public comment on applications from federally regulated carriers and

often holds public hearings with respect to general rate increases or significant policy issues.

Every broadcasting decision and order of the Commission is final and conclusive except that the issue, amendment, or renewal of any broadcasting licence may be set aside or may be referred back to the Commission for reconsideration and hearing, by order of the Governor in Council.

Under section 64 of the National Telecommunications Powers and Procedures Act, concerning telecommunications decisions, the Governor in Council can vary or rescind, but not refer back, decisions made by the Commission.

An appeal against a broadcasting or telecommunications decision or order of the Commission may be made, with leave, to the Federal Court of Appeal upon a question of law or a question of jurisdiction.

The adjudicative activities of this Agency, such as the licensing of broadcasting undertakings or the approval of the interconnection of telecommunications carriers, frequently respond to private-sector initiatives and cannot, therefore, be planned in advance. In some instances, notices of these activities are published in Part I of the *Canada Gazette*.

## Legislative Mandate

Canadian Radio-television and  
Telecommunications Act  
Broadcasting Act  
National Telecommunications Powers and  
Procedures Act  
Railway Act

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890-CRTC

## RULES OF PROCEDURE

The current CRTC rules of procedure followed by the Commission in dealing with the issue, amendment and renewal of broadcast licences, have been in force since 1971. The Commission expects to release completely revised rules of procedure for public comment. The revised rules should streamline the procedures that are followed by the Commission. The impact of the changes will be ascertained following consideration of the comments of members of the public.

*Statutory Authority:* Broadcasting Act, R.S.C. 1985, c. B-9

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage,



Central Building, Hull, Quebec, K1A 0N2.  
Tel. (819) 997-4427

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#### 891-CRTC

##### **RADIO FM POLICY**

In 1975, the CRTC adopted a new FM policy and then in 1976, adopted regulations to give force to the policy. Since then the Commission has reviewed its FM radio policies on several occasions, most recently in 1981-1983, resulting in a public notice, 83-43, "The Review of Radio." In 1986, the Commission reviewed and significantly amended its radio regulations. In keeping with its intention to ensure that all its regulations, policies and practices remain relevant and necessary, the Commission will review its radio policies during the coming year. Should the review lead the Commission to modify current policies, it may be necessary to seek amendments to the relevant regulations.

*Statutory Authority:* Broadcasting Act, R.S.C. 1985, c. B-9

*Expected Date of Publication:* Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Rosemary Chisholm, Director General, Secretariat Operations 1 Promenade du Portage, Central Building, Hull, Quebec K1A 0N2.  
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#### 892-CRTC

##### **RADIO FRENCH VOCAL MUSIC**

In 1973, the Commission announced that it would expect that a minimum of 75 per cent of the vocal selections broadcast by its French-language AM and FM licensees would be in French and that between 6:00 AM and 6:00 PM a minimum of 65 per cent would be expected. In a public notice, 83-43, "The Review of Radio," the Commission announced that the requirement would be 65 per cent on a weekly basis. Following a number of requests by FM licensees to lower the percentage they were required to broadcast, the Commission convoked a consultative committee of broadcasters and the music industry to consider the question.

In September 1986, after reviewing the findings of the consultative committee the Commission announced that it would retain 65 per cent as an objective, but would immediately reduce the requirement to 55 per cent for AM broadcasters for a two-year trial period, during which time FM licensees could make applications to reduce their requirements. In May 1988, the Commission indicated that its research showed that it was still too early to evaluate whether sufficient new recordings were being produced to justify modifications to its policy.

The Commission has scheduled a public hearing in the spring of 1989 to discuss the requirements for French vocal music. Depending on the outcome it may be necessary to seek amendments to the relevant regulations.

*Statutory Authority:* Broadcasting Act, R.S.C. 1985, c. B-9

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel. (819) 997-4427

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#### 893-CRTC

##### **PAY TELEVISION**

In June 1988, the Commission held a hearing to consider applications by three pay television licensees for renewal of their network licences. At the hearing, the Commission discussed with the licensees the possibility of amending the Pay Television Regulations in order to preclude the licensee's parent corporation from producing material to be distributed by pay television. In addition, the Commission considered the possibility of modifying its requirements with respect to the transfer of ownership or control of a pay television licensee. These and other matters will be addressed in proposed amendments to the pay television regulations, which the Commission intends to publish for public comment before the end of 1988.

*Statutory Authority:* Broadcasting Act, R.S.C. 1985, c. B-9

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
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#### 894-CRTC

##### **SPECIALTY SERVICES**

In November 1987, the Commission licensed eight new specialty services. In June 1988, the Commission heard the renewal applications of three specialty-service providers that were originally licensed in 1984. The regulatory requirements for these licensees with respect to such matters as ownership, program content and logging responsibilities are currently set out in conditions attached to their licences. The Commission is intending to embody these requirements in a new series of

regulations to be issued for public comment before the end of 1988.

*Statutory Authority:* Broadcasting Act, R.S.C. 1985, c. B-9

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
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**HAZARDOUS  
MATERIALS  
INFORMATION  
REVIEW COMMISSION**

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AFFECTED PARTY REGULATIONS .....	.895-HMIRC
APPEALS PROCEDURE REGULATIONS .....	.896-HMIRC





## Roles and Responsibilities

The Workplace Hazardous Materials Information System (WHMIS) is a national system which was developed following extensive consultation between organized labour, industry and the federal, provincial and territorial governments to provide employees with information on hazardous materials in the workplace. Recognizing the importance of striking a balance between the workers' right and need to have information on hazardous materials and the employers' right to preserve the confidentiality of bona fide confidential business information, the participants agreed to establish an independent adjudicative agency to determine the validity of claims for exemption from full disclosure and to provide for appeals arising from such judgements. The Hazardous Materials Information Review Commission was established by the Hazardous Materials Information Review Act, passed by the House of Commons in June, 1987.

The responsibility for enforcing the reporting requirements of WHMIS is shared by Consumer and Corporate Affairs Canada, Labour Canada and various provincial and territorial occupational safety and health organizations within their respective jurisdictions.

The Commission has the authority, under the Hazardous Materials Information Review Act, to make decisions on claims from suppliers or employers for limited exemption from the reporting requirements of WHMIS on the basis that disclosure would reveal confidential business information. Commission staff also determine whether the material safety data sheets or labels accompanying products for which an exemption is claimed comply with the provisions of the Hazardous Products Act, Part IV of the Canada Labour Code and with provincial and territorial occupational safety and health legislation.

The Commission is also responsible for convening independent appeal boards to hear appeals of its decisions by claimants or by other affected parties.

Although the Commission must protect confidential business information which it receives, it must provide this confidential business information to physicians and registered nurses in cases of medical emergency when the supplier cannot be reached.

The Commission is headed by a president, appointed by the Governor in Council and is governed by a council consisting of members nominated by representatives of workers, suppliers, employers and members representing the governments of Canada and the provinces and territories. The functions of the Council are, among others, to make recommendations to the Minister of Consumer and Corporate Affairs Canada on changes to procedures for the review of claims for exemption as well as appeals and changes to the fee structure.

The Commission reports to Parliament through the Minister of Consumer and Corporate Affairs.

## Legislative Mandate

The following legislation is administered by the Hazardous Materials Information Review Commission:

Hazardous Materials Information Review Act,  
S.C. 1987, c. 30 (Part III)

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### 895-HMIRC

## AFFECTED PARTY REGULATIONS

This amendment to the Hazardous Materials Information Review Regulations deals with the definition of the expression "affected party," the procedure to be followed by a screening officer in reviewing a claim for exemption and the prescription of the expression "medical professional." The amendment also outlines the content of the notice, to be published in the *Canada Gazette*, of each decision and order made by a screening officer.

The proposed amendment establishes the qualifications of those persons who may make written representation to a screening officer with respect to a claim for exemption and allows these representations to be made to the Commission at an early stage in the screening process. It also establishes the qualifications of affected parties who may appeal a decision or order of a screening officer, allowing them to appeal.

**Anticipated Impact:** The definition of medical professional will ensure that, in the interest of maintaining the confidentiality of confidential business information, definitions are established for medical persons having access to this information, without jeopardizing the health interests of workers. That part of the amendment dealing with screening procedures will allow claimants the benefit of reviewing representations made by an affected party without revealing the identity of the affected party. Publication in the *Canada Gazette* of the notice of the decisions and orders made by a screening officer will ensure that public notice of the screening officer's decision is given and that sufficient information is provided for the purpose of appeal.

**Statutory Authority:** Hazardous Materials Information Review Act, S.C. 1987, c. 30 (Part III)

**Expected Date of Publication:** Fourth Quarter, 1988, Part I, *Canada Gazette*; First Quarter, 1989, Part II, *Canada Gazette*

**Contact:** W. Lowe, A/Chief Screening Officer, Hazardous Materials Information Review Commission, 17th Floor, Tower B, 355 River Road,



P.O. Box 7700, Vanier, Ontario, K1L 8E4,  
Tel. (613) 954-2441

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896-HMIRC

**APPEALS PROCEDURE REGULATIONS**

This amendment to the Hazardous Materials Information Review Regulations deals with the procedures to be followed by an appeal board in the hearing of an appeal, the form and manner of filing a statement of appeal, the period within which a claimant or an affected party may appeal any decision or order of a screening officer and the information to be contained in the notice on each decision made by an appeal board for publication in the *Canada Gazette*.

*Anticipated Impact:* The proposed amendment will provide sufficient information to allow a claimant or affected party to appeal a decision of a screening officer and to be aware of the procedure that will be followed at the hearing of the appeal. Publication of the notice in the *Canada Gazette* ensures that public notice of the appeal board decision is given.

*Statutory Authority:* Hazardous Materials Information Review Act, S.C. 1987, c. 30 (Part III)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* A. Zamojski, A/Chief Appeals Officer,  
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Tel. (613) 954-2441

# NATIONAL ENERGY BOARD

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COST RECOVERY REGULATIONS .....	897-NEB
EXPORT AND IMPORT REPORTING REGULATIONS .....	898-NEB
ONSHORE PIPELINE REGULATIONS .....	899-NEB
OFFSHORE PIPELINE REGULATIONS .....	900-NEB
PART VI REGULATIONS .....	901-NEB





## Roles and Responsibilities

The National Energy Board, established in June 1959 under the National Energy Board Act, is designated as a department within the meaning and purpose of the Financial Administration Act and reports to Parliament through the Minister of Energy, Mines and Resources.

The Board functions as a quasi-judicial tribunal, serving as a regulatory enforcement body responsible for the construction and operation of approved energy projects and administering programs on behalf of the federal government. The Board regulates the tolls and tariffs of pipeline companies under federal jurisdiction to ensure that the tolls are just and reasonable and not unjustly discriminatory. It also advises the government on specific policy questions and studies various energy issues either on its own initiative or at the request of the Minister of Energy, Mines and Resources. The Board, on its own initiative, may hold inquiries into a particular aspect of the energy situation and prepare reports for the information of the Government, of Parliament and of the general public. The Board audits the accounts of pipeline companies and monitors their financial performance.

In regulating gas, oil and power-line facilities the Board must be satisfied that the proposed facilities are required by the present and future public convenience and necessity; it must assess economic, market, engineering, environmental and socio-economic aspects as well. Any certificates and orders that are issued are subject to such terms and conditions as the Board deems appropriate. Detailed routings of approved facilities are determined in the light of the applicant's proposals and of evidence brought forward.

Applications for the required construction approvals are assessed; appropriate orders are issued and construction monitored to ensure that both high safety standards are maintained and environmental protection is ensured. In addition, the Board is responsible for certain combined pipelines with the proclamation of the National Transportation Act in January, 1988. By agreement with Labour Canada, Board inspectors have been appointed safety officers by the Minister of Labour and are responsible for matters of occupational safety and health under Part IV of the Canada Labour Code for all pipelines under the Board's jurisdiction.

In regulating exports and imports the Board must consider matters such as Canada's reasonably foreseeable requirements, the supply outlook and, in the case of electricity exports, price. Any export or import licences or orders issued are subject to such terms and conditions as are appropriate, and performance is monitored.

Public hearings are required by the National Energy Board Act for all applications for certificates of public convenience and necessity (applications for

certain facilities are exempted from the requirement of a hearing e.g., pipelines not exceeding 40 kilometres), for most licences for the export of crude oil, oil products, electricity and natural gas, and for applications to make major changes in tolls and tariffs.

Decisions regarding tolls and tariffs of pipeline companies, the export of propane and butane for periods of up to one year, the export of natural gas for periods of up to two years, and oil export orders granted for less than one or two years (depending on the type of oil) are issued by the Board generally without a public hearing and without reference to the Governor in Council.

## Legislative Mandate

National Energy Board Act  
Energy Administration Act  
Northern Pipeline Act

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897-NEB

### COST-RECOVERY REGULATIONS

These proposed regulations will permit the National Energy Board to recover the costs of regulation directly from regulated companies.

*Anticipated Impact:* NEB annual costs of some \$25 million will be recovered from regulated companies rather than being paid out of general government revenues. By having regulatory costs borne by a specific segment of the economy, greater visibility and efficiency in spending is expected.

*Statutory Authority:* To be determined

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* J.S. Klenavic, Secretary, National Energy Board, 473 Albert Street, Ottawa, Ontario, K1A 0E5. Tel. (613) 990-3167

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898-NEB

### EXPORT AND IMPORT REPORTING REGULATIONS

These proposed regulations would require persons exporting oil, gas and power or importing oil or gas to provide certain information to the Board regarding the export or import.

The information is similar to that currently required by the part VI regulations. However, at the suggestion of the Standing Joint Committee for Scrutiny of Regulations, the Board decided to remove the reporting requirement from the part VI regulations



and make new regulations under subsection 88(1) of the NEB Act to provide for reporting requirements.

*Anticipated Impact:* The impact will be minimal; the regulations are a reorganization of existing reporting requirements, updated as required.

*Statutory Authority:* National Energy Board Act, R.S.C. 1985, c. N-7

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*

*Contact:* J.S. Klenavic, Secretary, National Energy Board 473 Albert Street, Ottawa, Ontario, K1A 0E5. Tel. 990-3167

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#### 899-NEB

### ONSHORE PIPELINE REGULATIONS

The Onshore Pipeline Regulations specify the requirements for the protection of both property and the environment and for the safety of both the public and company employees in the construction, operation and abandonment of an onshore pipeline.

The regulations will be revised as the result of recommendations made by the Board in a report of an investigation into a 1985 fatal accident.

*Anticipated Impact:* These amendments, which are the product of lengthy consultations between the Board and industry, will pertain to the improved maintenance and operation of onshore oil and gas pipelines under the Board's jurisdiction. For example, improvements in welding techniques, control systems and safety training programs will be covered.

*Statutory Authority:* National Energy Board Act, R.S.C. 1985, c. N-7

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* J.S. Klenavic, Secretary, National Energy Board, 473 Albert Street, Ottawa, Ontario, K1A 0E5. Tel. 990-3167

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#### 900-NEB

### OFFSHORE PIPELINE REGULATIONS

These proposed regulations will cover the safety and environmental protection requirements for the construction, operation and abandonment of offshore pipelines.

Draft offshore pipeline regulations, based on Canadian Safety Association Standards, have been developed in close co-operation with all relevant

segments of the industry. The regulations avoid any regulatory delay that might be caused by the absence of such regulations should industry proceed with development of offshore production.

*Anticipated Impact:* There will be a uniform level of safety and environmental protection to offshore pipelines under NEB jurisdiction. Similar regulations have satisfactorily covered onshore pipelines for 25 years. The regulations have been, and will be, subject to revision as needed to keep abreast of technological advances and changing circumstances.

*Statutory Authority:* National Energy Board Act, R.S.C. 1985, c. N-7

*Expected Date of Publication:* The proposed regulations have already been made available in draft form for comments and were further discussed with industry late in 1988. As no projects involving offshore pipelines are expected to be active in 1989, the republication in Part I, *Canada Gazette*, will be carried out approximately mid-1989 with a view to ensuring that the Regulations are published in Part II, *Canada Gazette*, late 1989.

*Contact:* J.S. Klenavic, Secretary, National Energy Board, 473 Albert Street, Ottawa, Ontario, K1A 0E5. Tel. 990-3167

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#### 901-NEB

### PART VI REGULATIONS

The NEB part VI regulations will be amended better to reflect recent changes to export regulation and to clean up certain housekeeping matters.

*Anticipated Impact:* The impact of these changes will be minimal; they are designed to improve the language of the regulations and to bring the regulations more into line with recent moves to deregulate energy exports.

Amendments to part VI regulations will also address concerns expressed by the Standing Joint Committee for Scrutiny of Regulations in recent years.

*Statutory Authority:* National Energy Board Act, R.S.C. 1985, c. N-7

*Expected Date of Publication:* Fourth Quarter, 1989 Part I, *Canada Gazette*.

*Contact:* J.S. Klenavic, Secretary, National Energy Board, 473 Albert Street, Ottawa, Ontario, K1A 0E5. Tel. 990-3167

# NATIONAL TRANSPORTATION AGENCY

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RAILWAY LINES NOTICE OF ABANDONMENT .....	902-NTA
FINAL OFFER ARBITRATION – RULES OF PROCEDURE .....	903-NTA
WESTERN GRAIN TRANSPORTATION .....	904-NTA
RAILWAY INTERSWITCHING .....	905-NTA
DISPUTE RESOLUTION MECHANISMS .....	906-NTA
SPECIAL AIR FARE POLICY – DISABLED PASSENGERS .....	907-NTA
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## Roles and Responsibilities

The National Transportation Agency (Agency) was created pursuant to the National Transportation Act, 1987, S.C. 1987, c. 34 (NTA, 1987) and replaced the Canadian Transport Commission as the federal agency responsible for the economic regulation of transportation activities coming under the jurisdiction of Parliament. The Agency has all the powers, rights and privileges of a superior court with respect to matters within its jurisdiction; it may make regulations with Governor-in-Council approval and issue decisions and orders regarding these matters. Its decisions are subject to review by the Agency, to appeal to the Federal Court on questions of law and to petition to the Governor in Council.

The Agency is guided in carrying out its duties by the National Transportation Policy set out in section 3 of the NTA, 1987. It may also be guided by binding policy directions issued by the Governor in Council. The Agency exercises its powers through a board and is organized into four program branches: Transportation Subsidies, Market Entry and Analysis, Dispute Resolution, Rail Safety; and three administrative support branches.

The Agency continues to be responsible for rail safety standards and enforcement and rail accident investigation until such time as these safety programs are transferred to Transport Canada, and a Transportation Accident Investigation Board is established and takes over responsibility for investigating rail accidents. The Railway Safety Act has been given Royal Assent and should be proclaimed in 1989. Upon proclamation, the following regulations shown in the Agency's Federal Regulatory Plan for 1989 may no longer be required or may require modification. These include: 26-NTA, 27-NTA, 28-NTA, 29-NTA, 30-NTA, 31-NTA, 32-NTA, 33-NTA, 34-NTA, 35-NTA, 36-NTA, 37-NTA, 38-NTA, 39-NTA and 40-NTA.

## Legislative Mandate

The Agency performs all the functions vested in it by:

- Access to Information Act
- Atlantic Region Freight Assistance Act
- Canadian National Railway Act
- Energy Supplies Emergency Act
- Government Railways Act
- Maritime Freight Rates Act
- Motor Vehicle Transport Act
- National Energy Board Act
- National Transportation Act
- Pilotage Act
- Privacy Act
- Railway Act
- Railway Relocation and Crossing Act
- St. Lawrence Seaway Authority Act

- Shipping, Canada Act
- Shipping Conferences Exemption Act
- Transportation of Dangerous Goods Act
- Western Grain Transportation Act

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### 902-NTA

#### RAILWAY LINES NOTICE OF ABANDONMENT

The Agency proposes to amend the existing Railway Lines Abandonment Regulations by incorporating the following requirements: provision of direct public notice of their abandonment proposals to all interested parties; publication of such notice in the newspapers simultaneous with the serving of notice on individuals. In addition, specific time limits for the filing of costing data and the requirement for a map are included.

*Anticipated Impact:* The economic impact of the proposed amendments is considered to be minimal. The improved notification procedures would ensure that the interests of all affected parties, such as shippers or receivers on the line, would be protected. The imposition of time limits and the provision of additional data would facilitate and expedite the processing of such matters which must be dealt with within legislative time frames.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 181(1)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Rail Rationalization Directorate, Transportation Subsidies Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-2034

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### 903-NTA

#### FINAL OFFER ARBITRATION – RULES OF PROCEDURE

Final offer arbitration is a means of resolving a dispute between a shipper and a carrier whereby a non-Agency arbitrator must choose the best dispute-resolving proposal of either the shipper or the carrier. New regulations will be developed that provide a default procedure in the absence of agreement by the arbitrator and affected parties as to the procedure to be followed in a specific final offer arbitration.

*Anticipated Impact:* These regulations will ensure smoothness and efficiency in rapid and economic resolution of private business disputes.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 50



*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; First Quarter, 1990, Part II, *Canada Gazette*

*Contact:* Director, Mediation and Arbitration, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-4430

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#### 904-NTA

### **WESTERN GRAIN TRANSPORTATION**

Regulations will be developed that prescribe the time limits and conditions with which a shipper and railway company must comply in order that the railway company may include, in its tariff of rates, a rate that is lower than that provided by section 43 of the Western Grain Transportation Act.

*Anticipated Impact:* The efficiency of the application procedure for both shippers and carriers will be improved through the use of statutory obligations rather than variable annual directives issued by the Agency.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 27(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Rail Complaints and Investigations, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
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#### 905-NTA

### **RAILWAY INTERSWITCHING**

The Railway Interswitching Regulations prescribe the terms and conditions by which railway freight cars are switched between the lines of different railways. These regulations apply to all traffic moved within a radius of 30 km between an interchange connecting two railways and a shipper's facilities at either origin or destination of a traffic movement. The rate for interswitching is prescribed and includes reductions for switching several cars at the same time or for switching a greater number of cars. Interim rates and zones for interswitching became effective January 1, 1988. The Agency has continued a consultative process with shippers, carriers and other interested parties to evaluate the effectiveness of the interim regulations. The final regulations will reflect any changes considered necessary as a result of the consultative process and are to be reviewed as circumstances warrant.

*Anticipated Impact:* Interswitching enhances rail intramodal competition for shippers with the

associated benefits of such competition, since railways must increase efficiency and competitiveness. The largest impact in this area has been caused by the changes in legislation (NTA, 1987) which have been implemented by the interim regulations. If the interim regulations have resolved most issues, then the final regulations will have a relatively low impact.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 152

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Rail Complaints and Investigations, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
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#### 906-NTA

### **DISPUTE RESOLUTION MECHANISMS**

In anticipation of the promulgation of the Railway Safety Act, the Agency proposes to amend section 2 of the General Rules of the National Transportation Agency to broaden the definition of an application to the Agency to include a notice for a reference to the Agency made pursuant to sections 16 or 26 of the Railway Safety Act.

*Anticipated Impact:* The amendment to the General Rules ensures the application of a published standard set of procedures for all participants to follow in proceedings before the Agency.

*Statutory Authority:* Bill C-105, an act to ensure the safe operation of railways and to amend certain other acts in consequence thereof, s. 16 and s. 26

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Rail Complaints and Investigations, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-4653

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#### 907-NTA

### **SPECIAL AIR FARE POLICY – DISABLED PASSENGERS**

The Agency will carefully examine the Report of the Special Panel of the Air Transport Committee of the Canadian Transport Commission regarding a special air fare policy for the assistants of disabled passengers and for additional seats for disabled and obese passengers to determine what new regulations may be required.

*Anticipated Impact:* Regulations respecting the transportation of disabled persons may impose a regulatory burden upon air carriers. However, it will be an objective of the regulations that this burden be minimized while still maintaining the objective of the legislation and that the benefits would significantly outweigh such burden.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 63(1)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Transportation Services for Disabled Persons, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6828

#### 908-NTA

#### **TERMS AND CONDITIONS OF CARRIAGE BY AIR – DISABLED PASSENGERS**

In the absence of a tariff-filing requirement for domestic air carriage, carriers offering air services within Canada are at liberty to alter or eliminate any portions of their policies regarding the carriage of disabled persons without the immediate knowledge of the Agency. To ensure the maintenance of certain rights acquired by disabled persons under the previous regulatory regime, and to regulate accessibility to domestic air transportation in respect of terms and conditions of carriage, the Agency proposes to promulgate new regulations on the subject.

*Anticipated Impact:* The proposed regulations, while contributing to the accessibility of disabled persons to domestic air transportation, would have a minimal impact on most carriers as the proposals generally reflect conditions presently being applied.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 63(1)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Transportation Services for Disabled Persons, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6828

#### 909-NTA

#### **TRANSPORTATION ACCESSIBILITY STANDARDS – DISABLED PERSONS**

An amendment to the National Transportation Act, 1987, the Agency has been assigned the

responsibility of prescribing, administering and enforcing accessibility standards for all modes of transportation under federal jurisdiction. (This responsibility was previously that of Transport Canada and was part of its 1987 and 1988 Federal Regulatory Plan inventories.) The purview of the Agency in respect of accessibility has therefore been extended beyond the tolls, terms and conditions applicable to air transportation so as to include the equipment and services offered by air carriers and the airports subject to federal jurisdiction, as well as the terminals, services and equipment of VIA Rail, Roadcruiser bus service in Newfoundland, Marine Atlantic ferries and other federally-subsidized ferry services. The Agency proposes new regulations prescribing accessibility standards for these modes of transportation.

*Anticipated Impact:* Transportation services have been developing construction and retrofitting programs and enhancing special services to address the issue of accessibility. The new regulations will, however, ensure that common standards are applied in all transportation modes under federal jurisdiction. While there will be an unavoidable economic impact on government and industry service-providers, the Agency will try to minimize this burden, while ensuring that the highest level of accessibility to transportation services is achieved.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 63(1)

*Expected Date of Publication:* Third Quarter, 1989, Part I, *Canada Gazette*; Fourth Quarter, 1989, Part II, *Canada Gazette*

*Contact:* Director, Transportation Services for Disabled Persons, Dispute Resolution Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6828

#### 910-NTA

#### **AIR TRANSPORTATION – INTERNATIONAL TARIFFS AND GENERAL SCHEDULES**

The government's 1985 "Freedom to Move" discussion paper did not propose basic changes to the way in which international air services should be operated. Consequently, the National Transportation Act, 1987 and the first edition of the Air Transportation Regulations did not make any substantive changes to the status quo. However, the Agency proposes to streamline and modernize the regulations respecting international tariffs and service schedules.

*Anticipated Impact:* The changes will benefit both the carriers and the public users.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 102



*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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#### 911-NTA

### LIABILITY OF RAIL CARRIERS

Regulations will be developed that prescribe the liability of rail carriers with respect to freight traffic carried in the absence of written agreements between parties or specific Agency orders limiting liability.

*Anticipated Impact:* These regulations will provide a standard which governs terms of liability for transportation arrangements between shippers and railways for traffic movements not covered by another agreement or order.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 27(1) and ss. 153(2)

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 912-NTA

### AIR TRANSPORTATION REGULATIONS – DESIGNATED PROVISIONS

Under the former Air Carrier Regulations, enforcement action against licensed air carriers was limited to suspension or cancellation of licences or criminal prosecution in the courts by the RCMP and the Department of Justice. The National Transportation Act, 1987 provides for the designation of sections of the Air Transportation Regulations by the Agency as designated provisions, violations of which will be liable to a prescribed Agency administrative fine and barred from proceedings by way of summary conviction.

*Anticipated Impact:* Enforcement action by way of administrative fine, is expected to be timely and equitable and will provide a stronger deterrent to would-be violators. This will enhance the Agency's ability to bring about carrier compliance to the National Transportation Act, 1987 and the Air Transport Regulations.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, ss. 107(1)

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 913-NTA

### AIR TRANSPORTATION – INSURANCE PROVISIONS

The insurance provisions in the Air Transportation Regulations were carried over from the Air Carrier Regulations and were last amended in 1983. At that time, an undertaking was given by the former regulatory body to air carriers and insurance brokers/underwriters that these specific regulations would be reviewed in three years. But because of fundamental changes to the economic regulation of air transport in recent years, it was an not opportune time for the former regulatory body to conduct a review as anticipated. The insurance provisions in the Air Transportation Regulations will be reviewed to ensure that the users of air transportation and third parties remain sufficiently and adequately insured against aircraft mishaps.

*Anticipated Impact:* The review of insurance regulations should result in some amendments being made to ensure that those adversely affected by aircraft accidents will receive just and reasonable compensation.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 102

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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#### 914-NTA

### AIR TRANSPORTATION – INTERNATIONAL CHARTERS

The government's 1985 "Freedom to Move" discussion paper did not propose basic changes to the way in which international air services should be operated. Consequently, the National Transportation Act, 1987 and the first edition of the Air Transportation Regulations did not make any substantive changes from the status quo. However, the

Agency proposes to streamline and modernize the regulations respecting international charter services.

*Anticipated Impact:* These changes will benefit both the carriers and the public users.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 102

*Expected Date of Publication:* Fourth Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1990, Part II, *Canada Gazette*

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#### 915-NTA

#### AIR TRANSPORTATION – AIR COURIER

At present, domestic air courier services to, from or between points in northern Canada, and international air courier services, may be operated by air carriers licensed to perform charter flights; but such matters as the type of goods and the maximum weight of packages that may be carried on courier services are limited by regulations. In the case of international air courier services, a further limit is imposed with respect to the group of aircraft that may be operated. To make the provision of courier services more responsive to the needs of shippers and clients, amendments to the Air Transportation Regulations in respect of air courier regulations will be proposed to broaden the range of goods and increase the weight of shipments that may be transported.

*Anticipated Impact:* The amended regulations are expected to enhance competition between scheduled (unit toll) air carriers and charter air carriers in the transportation of time-sensitive goods. More options will be available to shippers in sending a wider range of urgent material, particularly to consignees located in northern and remote areas of Canada.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 102

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 916-NTA

#### REGULATIONS NO. O-8, UNIFORM CODE OF OPERATING RULES

At the request of the Standing Joint Committee for the Scrutiny of Regulations, Rules 200 and 205, and the French text of Rules 46(1) and 209 of the Regulations No. O-8, Uniform Code of Operating Rules will be amended to provide more precise clarification of their intent and for agreement with the English text.

*Anticipated Impact:* The required amendments will have no impact, economic or otherwise.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 917-NTA

#### ASSET AND REVENUE DETERMINATION REGULATIONS

At the request of the Standing Joint Committee for the Scrutiny of Regulations, paragraph 6(a) of the French text of the Asset and Revenue Determination Regulations will be amended to agree with the English text.

*Anticipated Impact:* The required amendment will have no impact, economic or otherwise.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27

*Expected Date of Publication:* First Quarter, 1989, Part II, *Canada Gazette*

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#### 918-NTA

#### LOCOMOTIVE EVENT RECORDERS – APPLICATION, HANDLING AND MAINTENANCE

Past experience arising from certain freight and passenger train accidents has indicated a requirement for universal usage of locomotive event recorders as a train-operations monitoring device and accident investigative tool. The Agency is developing regulations that will provide for improved safety through a more effective monitoring of train operations through the use of event recorders.



**Anticipated Impact:** The potential impact of these regulations has been assessed, and the universal application of train-operations recorders should enhance future and compatible technological improvements with associated efficiencies for the railways. The safety of employees and the public should also be enhanced by the ability to monitor train operations and by its use as an investigative tool. The expense involved will be outweighed by the improved safety in train operations.

**Statutory Authority:** National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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## 919-NTA

### RAILWAY MOTIVE POWER EQUIPMENT

As a result of action taken on the recommendation of the Commission of Inquiry into the Hinton Train Collision, the device known as the "deadman's pedal" when used in freight and passenger service, will not constitute compliance with the Railway Motive Power Equipment Regulations, CRC c. 1169, O-21. An amendment to section 30 and a new section 30.1 provide for application and usage of modern electronic vigilance systems. In addition, minor technical changes are made to section 5 and the French text of section 6, at the request of the Standing Joint Committee for the Scrutiny of Regulations.

**Anticipated Impact:** The economic impact has been assessed as being minimal while enhancing the safety of railway employees and the public.

**Statutory Authority:** National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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## 920-NTA

### RAILWAY MEDICAL, VISION AND HEARING EXAMINATION

Through public hearings, and also in response to the report dated December 1986 of the Commission

of Inquiry into the Hinton Train Collision referring to inadequacies respecting medical examination and fitness standards of railway operating employees, the Agency is revising the Railway Vision and Hearing Examination Regulations, CRC c. 1173, O-9. It is using new technology to correct deficiencies in procedures as well as methods and practices used in determining vision and hearing requirements for railway employees.

**Anticipated Impact:** The potential social impacts of the revision will be to enhance equal opportunity for employment and security of continued employment by adoption of modified standards and recognized medical procedures. Safety for both employees and the public is expected to be enhanced through application of the proposed regulations. The economic impact will be minimal.

**Statutory Authority:** National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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## 921-NTA

### RAILWAY PASSENGER CAR SAFETY

Past experience arising from passenger train incidents has indicated a requirement for safety-related regulations respecting passenger car equipment. The Agency is developing regulations that will provide improved safety standards for the travelling public.

**Anticipated Impact:** The potential impact of the regulations has been assessed as being minimal economically while providing increased safety for both railway employees and the public.

**Statutory Authority:** National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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922-NTA**RAILWAY ACCIDENT REPORTING**

The Agency is revising the Railway Accident Reports Regulations, CRC c. 1164, O-1, to categorize more adequately what constitutes a reportable occurrence coincident with updating of terminology to reflect new technology.

*Anticipated Impact:* The economic impact of these revised regulations will be minimal. Improved reporting requirements and record analysis will result in increased safety for the travelling public.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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923-NTA**RAILWAY SERVICE EQUIPMENT CARS**

Certain railway companies have had operational difficulties respecting compliance with the Regulations for the Transportation of Dangerous Commodities by Rail. The Agency is proposing to amend certain portions of the Railway Service Equipment Cars Regulations, CRC 1986-9 Rail.

*Anticipated Impact:* There will be no social or economic impact.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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924-NTA**PIPE CROSSINGS UNDER RAILWAYS**

A revision has been developed to the Pipe Crossings Under Railways (No. E-10) Regulations, CRC c. 1187, and the Agency proposes to incorporate the new Canadian Standards Association Standard CAN3-C22.3 No. 7-M86 entitled "Underground Systems."

*Anticipated Impact:* The economic impact of the revision will be minimal. The use of new technology

will benefit the travelling public by enhancing their safety.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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925-NTA**WIRE CROSSINGS AND PROXIMITIES**

This amendment to the Wire Crossings and Proximities Regulations, CRC c. 1195, E-11, revokes the reference to Canadian Standards Association Standard c. 22.3 No. 1-1970 pertaining to Overhead Systems and Underground Systems being part of Canadian Electrical Code, Part III, and replaces it with the 1986 revision for Underground Systems, and the 1987 revision for Overhead Systems.

*Anticipated Impact:* There will be no social or economic impact.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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926-NTA**TELEGRAPH AND TELEPHONE LINES - HEIGHT OF WIRES**

An amendment to the Height of Wires of Telegraph and Telephone Lines Regulations, CRC c. 1182, R-E-18, will revoke the reference to Canadian Standards Association Standard c. 23.3 No. 1-1970 pertaining to overhead systems and underground systems, being part of Canadian Electrical Code, Part III, and replaces it with the 1987 revision for overhead systems.

*Anticipated Impact:* There will be no social or economic impact.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227



*Expected Date of Publication:* First Quarter, 1989, Part I, *Canada Gazette*; Second Quarter, 1989, Part II, *Canada Gazette*

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#### 927-NTA

##### TRAIN AIR BRAKES

The Train Air Brakes Regulations, CRC c. 1179, O-20, and the standing instructions of the railways are deficient in the matter of procedures, methods and practices. The Agency proposes to revise the existing regulations to make them reflect current safety requirements for the inspection, testing and operation of train air brakes.

*Anticipated Impact:* The anticipated economic impact is considered to be minor, while an improvement to the safety of employees and the public is realized.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 928-NTA

##### RAILWAY FREIGHT CAR MINIMUM INSPECTION AND SAFETY STANDARDS

Among recommendations of the Show Cause Hearing on Railway Safety and of the Report and Recommendations of the Railway Transport Committee of the Canadian Transport Commission with regard to the McGregor Inquiry, were certain requirements with respect to the inspection and safety standards of freight cars. New regulations have been drafted.

*Anticipated Impact:* The economic impact will be minimal while public safety is improved.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 929-NTA

##### RAILWAY-HIGHWAY CROSSING AT GRADE

There is a need for clarification of certain sections of the current regulations including the section on improvement of sight lines. Revisions to the Railway-Highway Crossing at Grade Regulations, CRC c.1184, E-4, are being developed.

*Anticipated Impact:* The anticipated economic impact resulting from the required maintenance of sight lines by the railway companies, and from partially subsidized installation of new railway-highway crossing warning signs will be low while public safety is enhanced.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 930-NTA

##### HIGHWAY CROSSING PROTECTIVE DEVICES

In certain areas of application, there is a need for clarification of the Highway Crossings Protective Devices Regulations, CRC c. 1183, E-6. The regulations have, therefore, been rewritten and are currently under review by the Privy Council Office and the Agency.

*Anticipated Impact:* A low economic impact will result from clarifying the intent and scope of the existing regulations, and from improving procedural guidelines when applying for modification to highway crossing warning systems.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 931-NTA

##### RAILWAY SIGNAL SYSTEMS

Consideration is being given to developing regulations that will be compatible with modern

technology and maintenance practices. The proposed regulations will replace the Railway Interlocking Systems Regulations (No. E-13) CRC c.1192 and Railway Signal and Traffic Control Systems Regulations (No. E-14), CRC c.1194.

*Anticipated Impact:* There will be a low economic impact arising from consolidation of regulations E-13 and E-14 coincident with the incorporation of modern technology.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 932-NTA

### PROTECTION OF RAILWAY EMPLOYEES BY BLUE FLAGGING

The Agency has established that the current section 6 of Regulations No. O-8, Uniform Code of Operating Rules, CRC c. 1175, does not satisfactorily provide for implementation of present day technology, such as electrically-locked switches, for the protection of employees working in the railway plant. A comprehensive revision to section 6 is being prepared.

*Anticipated Impact:* The economic impact will be minimal. The safety of employees will be enhanced by standardization of protective practices and methods.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227 and s. 228

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#### 933-NTA

### RAILWAY CLEARANCES

The Agency has established there is a need to identify changes to certain railway clearances requirements in the Railway Clearances Regulations, CRC c. 1189, E-2, and to convert measurements to metric equivalents.

*Anticipated Impact:* The revision will improve the personal safety of railway employees with minimal associated expense.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

*Expected Date of Publication:* Second Quarter, 1989, Part I, *Canada Gazette*; Third Quarter, 1989, Part II, *Canada Gazette*

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#### 934-NTA

### RAILWAY ENGINE BELL AND WHISTLE

Locomotive crews have complained of locomotive-cab noise levels with the locomotive whistle mounted on the cab roof. A revision to the Railway Engine Bell and Whistle Regulations, CRC c. 1166, O-25, is being developed to provide for relocation of the whistle while retaining an acceptable warning-sound-level in advance of the locomotive.

*Anticipated Impact:* The financial impact will be minimal while providing for a more positive level of safety to the public.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 935-NTA

### RAILWAY MOTIVE-POWER EQUIPMENT

The safety appliance requirements for motive power units in the Railway Safety Appliance Regulations, CRC c.1171, No. O-10, are inadequate with respect to diesel motive power requirements. The Agency has prepared an amendment to the Railway Motive-Power Equipment Regulations, CRC c.1169, O-21, that will make them more compatible with current motive power requirements.

*Anticipated Impact:* The economic impact will be minimal, and railway employees will realize improved safety.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227



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#### 936-NTA

### **RAILWAY SAFETY APPLIANCE STANDARDS**

Currently, the safety appliance requirements for diesel locomotives are combined with those for obsolete steam locomotives. Further, they do not properly reflect modern motive-power requirements. In addition, it is considered desirable to include Railway Safety Appliance Standards Regulations, CRC c. 1171, O-10, requirements in the Railway Motive-Power Equipment Regulations, CRC, c. 1169, No. O-21, to form an all-encompassing regulation for diesel locomotive equipment.

*Anticipated Impact:* The economic and social impact will be minimal.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 937-NTA

### **NAVIGABLE WATERS RAILWAY BRIDGES**

There is a requirement to delete from Navigable Waters Railway Bridges Regulations, CRC c. 1186, E-15, all matters pertinent to the Canadian Coast Guard. A draft revision has been discussed with the Railway Safety Advisory Committee and the Ministry of Transport, Coast Guard. The revised regulations will relate only to railway operations.

*Anticipated Impact:* Any potential impact will be minimal.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 938-NTA

### **ELECTRIC SPARKS PREVENTION**

The Agency is revising the Railway Prevention of Electric Sparks Regulations, CRC c. 1181 CTC 1982-8 Rail, to provide improved safety-related requirements for the prevention of sparks during the operation of railway fuel transfer and storage facilities.

*Anticipated Impact:* Any impact will be minimal.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 939-NTA

### **RAILWAY PREVENTION AND CONTROL OF FIRE**

The Agency has prepared a draft amendment to the Railway Prevention and Control of Fire Regulations, CRC c. 1170, O-28, eliminating outdated references to steam locomotives, adopting use of metric measurements, authorizing alternative method of fire protection of wooden bridges and authorizing alternatives for fire suppression on railways' rights of way.

*Anticipated Impact:* The economic impact will be minimal.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 940-NTA

### **RAILWAY SAFETY APPLIANCE STANDARDS**

The Railway Safety Appliance Standards Regulations, CRC c. 1171, O-10, do not adequately apply to current designs for special service high-side gondola cars used in wood chip transportation. A revision to these regulations respecting this type of freight car is being considered.

*Anticipated Impact:* The potential economic impact of the revision has been assessed as being minimal while enhancing the safety of railway employees through conformity of safety appliance applications.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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#### 941-NTA

#### **RAILWAY TRACK SAFETY STANDARDS**

There are, at present, no regulations setting out minimum safety standards or safety thresholds for track maintenance. Therefore there is no enforceable compliance-mechanism readily available to the Agency where, in its opinion, public safety is being compromised by deteriorating track conditions. It is proposed to develop regulations that set out minimum safety standards to which all railways under the jurisdiction of the Agency shall maintain lines of railway track.

*Anticipated Impact:* The potential economic impact of the anticipated regulations is considered to be minimal and will be consistent with maintenance of an acceptable level of safety.

*Statutory Authority:* National Transportation Act, 1987, S.C. 1987, c. 34, s. 27; Railway Act, R.S.C. 1985, c. R-3, s. 227

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# FREE TRADE

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REGULATIONS REQUIRED TO IMPLEMENT VARIOUS  
ASPECTS OF THE FREE-TRADE LEGISLATION .....942-TNO





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942-TNO**REGULATIONS REQUIRED TO IMPLEMENT  
VARIOUS ASPECTS OF THE FREE-TRADE  
LEGISLATION**

It is anticipated that the enactment of the free-trade legislation giving effect to the Canada-United States Free Trade Agreement will also require the passage of various associated regulations. These regulations and regulatory amendments will be required to implement selected technical provisions, such as the rules and proof of origin of trade goods, record-keeping requirements of importers and exporters, and amendments to the Import and Export Control Lists.

*Anticipated Impact:* These technical regulations do not extend the impact of the Free Trade Agreement on the Canadian economy beyond that already discussed during the free-trade debates.

*Statutory Authority:* Customs Tariff, R.S.C. 1985, c. C-54; Customs Act, R.S.C. 1970, c. C-40; Excise Act, R.S.C. 1970, c. E-12; Export and Import Permits Act, R.S.C. 1985, c. E-19; Importation of Intoxicating Liquors Act, R.S.C. 1985, c. I-3; Investment Canada Act, R.S.C. 1970, c.28 (1st Supp.); Meat Inspection Act, R.S.C. 1970, c. M-7; National Energy Board Act, R.S.C. 1985, c. N-7; Special Import Measures Act, R.S.C. 1985, c. S-15

*Expected Date of Publication:* As required

*Contact:* Morris Rosenberg, Trade Negotiations Office, 17th Floor, 50 O'Connor Street, Ottawa, Ontario, Tel. (613) 992-1133





# **PROGRAM EVALUATION PLANS BY DEPARTMENT**

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As part of the regulatory reform process, federal departments have undertaken a program of systematic review and evaluation of regulatory programs. Departmental program evaluations scheduled for completion in 1989 or early 1990 are described in this section.





## PROGRAM EVALUATION PLANS BY DEPARTMENT

Title	Contact	Date of Initiation	Date of Completion
<b>AGRICULTURE CANADA</b>			
A Cost-Benefit Analysis of the Seed, Seed Potato, and Pesticide Programs	Carol Motuz A/Director Program Evaluation Division Audit Evaluation Branch Sir John Carling Building 930 Carling Avenue Ottawa, Ontario K1A 0C5 Tel. (613) 994-1991	July 1988	March 1989
An Evaluation of the Prairie Grains Advance Payments, and the Advance Payments for Crops Programs	Carol Motuz A/Director Program Evaluation Division Audit Evaluation Branch Sir John Carling Building 930 Carling Avenue Ottawa, Ontario K1A 0C5 Tel. (613) 994-1991	February 1989	September 1989
<b>CANADIAN HUMAN RIGHTS COMMISSION</b>			
Canadian Human Rights Pension and Insurance Regulations	Debra Young Director Research & Policy Branch Canadian Human Rights Commission 4-90 Sparks Street Ottawa, Ontario K1A 1E1 Tel. (613) 995-1151	November 1987	Spring 1989
<b>DEPARTMENT OF COMMUNICATIONS</b>			
Movable Cultural Property	Erica Claus Senior Program Evaluation Manager Program Evaluation Room 1900 Department of Communications 300 Slater Street Ottawa, Ontario K1A 0C8 Tel. (613) 993-5327	1987/88	Early 1989



Title	Contact	Date of Initiation	Date of Completion
<b>DEPARTMENT OF COMMUNICATIONS</b> <i>(continued)</i>			
Radio Frequency Spectrum	Benoît Gauthier Senior Program Evaluation Manager Program Evaluation Room 1900 Department of Communications 300 Slater Street Ottawa, Ontario K1A 0C8 Tel. (613) 990-4735	1987/88	Early 1989
<b>CONSUMER AND CORPORATE AFFAIRS CANADA</b>			
WHMIS Hazardous Materials Information Review Commission	Fred Frederiksen Place du Portage Phase I, 7th Floor 50 Victoria Street Hull, Quebec K1A 0C9 Tel. (819) 953-6738	December 1988	September 1989
Corporations Evaluation	Kenneth Tiedemann Place du Portage Phase I, 7th Floor 50 Victoria Street Hull, Quebec K1A 0C9 Tel. (819) 953-6784	October 1988	To be determined in planning phase
Patented Medicine Prices Review Board – Evaluation Framework	Roslyn Frankl Place du Portage Phase I, 7th Floor 50 Victoria Street Hull, Quebec K1A 0C9 Tel. (819) 953-6732	July 1988	January 1989
Regulatory Interventions	Kenneth Tiedemann Place du Portage Phase I, 7th Floor 50 Victoria Street Hull, Quebec K1A 0C9 Tel. (819) 953-6784	September 1989	To be determined in planning phase
Lobbyist Registration – Evaluation Framework	Fred Frederiksen Place du Portage Phase I, 7th Floor 50 Victoria Street Hull, Quebec K1A 0C9 Tel. (819) 953-6738	November 1988	February 1989

Title	Contact	Date of Initiation	Date of Completion
<b>ENVIRONMENT CANADA</b>			
Evaluation of Natural Resource Conservation (component includes two regulatory programs: Migratory Birds Conservation, and Wildlife Conservation)	P.R.W. Gore Director Evaluation Branch Environment Canada Ottawa, Ontario K1A 0H3 Tel. (819) 994-5208	April 1989	December 1989
<b>FISHERIES AND OCEANS</b>			
Evaluation of Pacific and Freshwater Fisheries Operations	R. Bergeron Director Program Evaluation 10th Floor 200 Kent Street Ottawa, Ontario K1A 0E6 Tel. (613) 993-1937	December 1988	March 1990
Evaluation Atlantic Fisheries Operations	R. Bergeron Director Program Evaluation 10th Floor 200 Kent Street Ottawa, Ontario K1A 0E6 Tel. (613) 993-1937	December 1988	March 1990
<b>HAZARDOUS MATERIALS INFORMATION REVIEW COMMISSION</b>			
Hazardous Materials Information Review Commission	J. Armstrong A/Registrar Hazardous Materials Information Review Commission 17th Floor, Tower B 355 River Road P.O. Box 7700 Vanier, Ontario K1L 8E4 Tel. (613) 954-2441	October 1988	October 1989



Title	Contact	Date of Initiation	Date of Completion
<b>HEALTH AND WELFARE CANADA</b>			
Dangerous Drugs	M. Joshi Program Evaluation Division Program Audit and Review Directorate Health and Welfare Canada Ottawa, Ontario K1A 0K9 Tel. (613) 954-8737	April 1989	March 1989
Immigration Medical Services	H.B. Long Director Program Audit and Review Directorate Health and Welfare Canada Ottawa, Ontario K1A 0K9 Tel. (613) 957-3889	April 1989	March 1990
Regulatory Health Services	H.B. Long Director Program Audit and Review Directorate Health and Welfare Canada Ottawa, Ontario K1A 0K9 Tel. (613) 957-3889	April 1989	March 1990
Civil Aviation Medicine	H.B. Long Director Program Audit and Review Directorate Health and Welfare Canada Ottawa, Ontario K1A 0K9 Tel. (613) 957-3889	April 1989	March 1990
Medical Devices	H.B. Long Director Program Audit and Review Directorate Health and Welfare Canada Ottawa, Ontario K1A 0K9 Tel. (613) 957-3889	April 1989	March 1990

Title	Contact	Date of Initiation	Date of Completion
<b>INDIAN AND NORTHERN AFFAIRS CANADA</b>			
Yukon / NWT Land-Use Planning	M.-F. D'Auray-Boult Senior Evaluation Manager Program Evaluation Division Indian and Northern Affairs Canada Ottawa, Ontario K1A 0H4 Tel. (819) 994-6453	January 1989	October 1989
Lands, Estates and Membership	M.-F. D'Auray-Boult Senior Evaluation Manager Program Evaluation Division Indian and Northern Affairs Canada Ottawa, Ontario K1A 0H4 Tel. (819) 994-6453	INAC evaluation of 1985 amendments to the Indian Act (Bill C-31) Study 1 – April 1987 Study 2 – 1988/89  Review of Lands and Estates – September 1987	INAC evaluation of 1985 amendments to the Indian Act (Bill C-31) Study 1 – June 1987 Study 2 – June 1990  Review of Lands and Estates – January 1989
<b>REVENUE CANADA, CUSTOMS AND EXCISE</b>			
Customs Act Review	N. Mendenhall Director Program Evaluation Department of National Revenue Customs and Excise 11th Floor Sir Richard Scott Building 191 Laurier Avenue West Ottawa, Ontario K1A 0L5 Tel. (613) 954-7881	April 1987	December 1990
Excise Duty Evaluation	N. Mendenhall Director Program Evaluation Department of National Revenue Customs and Excise 11th Floor Sir Richard Scott Building 191 Laurier Avenue West Ottawa, Ontario K1A 0L5 Tel. (613) 954-7881	July 1988	March 1989



Title	Contact	Date of Initiation	Date of Completion
<b>TRANSPORT CANADA</b>			
Marine Environmental Protection and Clean-up – Assessment	Norman Steinberg Director Program Evaluation Transport Canada Ottawa, Ontario K1A 0N5 Tel. (613) 993-4418	April 1988	September 1988
Marine Environmental Protection and Clean-up Study	Norman Steinberg Director Program Evaluation Transport Canada Ottawa, Ontario K1A 0N5 Tel. (613) 993-4418	October 1988	June/July 1989
Motor Vehicle Safety – Study	Norman Steinberg Director Program Evaluation Transport Canada Ottawa, Ontario K1A 0N5 Tel. (613) 993-4418	September 1988	September 1989
Aviation Safety – Assessment	Norman Steinberg Director Program Evaluation Transport Canada Ottawa, Ontario K1A 0N5 Tel. (613) 993-4418	January 1988	August 1988
Aviation Safety – Study	Norman Steinberg Director Program Evaluation Transport Canada Ottawa, Ontario K1A 0N5 Tel. (613) 993-4418	September 1988	September 1989
Air Navigation Systems – Framework	Norman Steinberg Director Program Evaluation Transport Canada Ottawa, Ontario K1A 0N5 Tel. (613) 993-4418	January 1989	March 1989

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